

# Sunshine Act Meetings

Federal Register

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Wednesday, February 28, 1990

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

## CONSUMER PRODUCT SAFETY COMMISSION

### Meeting Agenda

**TIME AND DATE:** Commission Meeting, Friday, February 23, 1990, 10:30 a.m.

**LOCATION:** Room 440, Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

**STATUS:** Closed to the Public.

**MATTERS TO BE CONSIDERED:** Enforcement Matter OS# 5656.

The staff will brief the Commission on issues related to enforcement matter OS# 5656.

The Commission by unanimous vote decided that agency business required holding this meeting without the usual seven days advance notice.

**FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301-492-5709**

**CONTACT PERSON FOR ADDITIONAL INFORMATION:** Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 301-492-6800.

Dated: February 22, 1990.

**Sheldon D. Butts,**

*Deputy Secretary.*

[FR Doc. 90-4699 Filed 2-26-90; 12:59 pm]

**BILLING CODE 6355-01-M**

## Sunshine Act Meetings

The Sunshine Act meetings are held on the first Tuesday of each month, except in the month of December when they are held on the first Wednesday. The meetings are held from 7:00 p.m. to 8:30 p.m. in the Council Chamber of the City of Chicago.

The purpose of the Sunshine Act meetings is to provide the public with an opportunity to observe the deliberations of the City Council and to provide a forum for the public to express their views on the issues before the Council. The meetings are open to the public and no fee is charged for admission.

The following is a list of the topics to be discussed at the next Sunshine Act meeting:

- 1. City of Chicago, Illinois, Department of Public Works, Report on the Status of the City's Financial Condition.
- 2. City of Chicago, Illinois, Department of Public Works, Report on the Status of the City's Financial Condition.
- 3. City of Chicago, Illinois, Department of Public Works, Report on the Status of the City's Financial Condition.

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# Department of Labor

Wednesday  
February 28, 1990

## Part II

## Department of Labor

### Office of the Secretary

#### Privacy Act of 1974; Republication of Notice of Systems of Records

## DEPARTMENT OF LABOR

## Office of the Secretary

## Privacy Act of 1974; Republication of Notice of Systems of Records

**AGENCY:** Office of the Secretary, Labor.

**ACTION:** Republication of systems of records.

**SUMMARY:** This document republishes in full this agency's systems of records maintained under the Privacy Act of 1974. This notice will update our last publication in full which appeared in the *Federal Register* on July 13, 1982 at 47 FR 30362 and which has been updated on six occasions since that time. This notice will add new systems which are being published for the first time; amend other systems previously published; and will delete certain systems.

**DATES:** Persons wishing to comment on newly published systems may do so by April 16, 1990.

**EFFECTIVE DATE:** Unless otherwise noticed in the *Federal Register*, this notice shall become final on April 30, 1990.

**ADDRESSES:** Seth D. Zinman, Associate Solicitor, Office of the Solicitor, Division of Legislation and Legal Counsel, U.S. Department of Labor, room N-2428, 200 Constitution Avenue, NW., Washington, DC 20210.

**FOR FURTHER INFORMATION CONTACT:**

Miriam McD. Miller, Co-Counsel for Administrative Law, Office of the Solicitor, Department of Labor, 200 Constitution Avenue, NW., room N-2428, Washington, DC 20210; Telephone (202) 523-8188.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 3 of the Privacy Act of 1974 (5 U.S.C. 552a(e)(4)), the Department hereby publishes an updated notice of its systems of records currently maintained pursuant to the Privacy Act of 1974. The last publication in full appeared in the *Federal Register* on July 13, 1982 at 47 FR 30362. That notice has been updated on six occasions by various amendments which appeared on the following dates:

1. February 8, 1983 at 48 FR 5824;
2. December 4, 1984 at 49 FR 47441;
3. February 6, 1985 at 50 FR 5140; 50 FR 5141; and 50 FR 5143 (three documents);
4. October 25, 1985 at 50 FR 43473;
5. May 27, 1986 at 51 FR 19092; and
6. September 12, 1986 at 51 FR 32546.

This notice republishes the Department's systems: we delete 27 systems; publish 37 new systems; and amend 42 systems.

All systems have been rewritten to reflect the *Federal Register* requirements for publication including the addition of four data elements which were not previously present in all systems:

- (1) Security classification;
- (2) Purpose(s)
- (3) Disclosure to consumer reporting agencies;
- (4) Systems exempted from certain provisions of the act.

In addition, corrections have been made to all systems published herein to reflect such changes as assorted typographical errors, organizational name changes, inadvertent omissions, and so forth.

The following is a listing of the significant additions, changes, and deletions to the various departmental systems of records.

**Office of the Secretary (OSECY)****DOL/OSEC-1**

"Supervisors' Records of Employees" is changed to include reports of FTS telephone usage containing call detail information.

**DOL/OSEC-2**

"Employee Conduct Investigations" is cancelled as a Department-wide system of records. Any DOL component agency that maintains records under this system will publish as an agency system.

**DOL/OSEC-3**

"Employee Locator System" is eliminated. This system is no longer maintained.

**DOL/OSEC-4**

"Credit Data on Individual Debtors." The new routine use provides for the disclosure of name, address, and other debtor identifying information to consumer reporting agencies for the purpose of receiving credit reports. This system of records is also being amended to reflect system location office title changes, add a system security classification, and clarify notification and record access procedures.

**Office of the Assistant Secretary for Administration and Management (OASAM)****DOL/OASAM-2**

"Employee Locator Card File." This system is no longer maintained because the records are no longer maintained separately from the Official Personnel Folder.

**DOL/OASAM-4**

"Occupational Accident/Injury Reporting (AIRS) File." The system location has been broadened to include

the regional offices and the office of the supervisor filing the report; categories of records in the system have been corrected to delete and add additional data elements; the authority citation has been supplemented and updated; and purpose section has been added; the systems manager's address and the record source categories have been corrected.

**DOL/OASAM-5**

"Rehabilitation and Counseling File." Amended with regard to location of the system, categories of individuals and records in the system, authority, citation, purpose, retention and disposal regulations, record source categories, and expansion of the routine uses.

Under the DOL drug testing program, all test results for DOL employees shall be retained and filed in OPM/GOVT 10, "Employee Medical File System Records." All test results for outside applicants shall be retained in OPM/GOVT 5, "Recruiting, Examining, Placement Records."

**DOL/OASAM-6**

"Executive Assignment System/Senior Executive Service File." This system has been deleted. The OPM system OPM/GOVT-1 includes the same records and has broader routine uses.

**DOL/OASAM-7**

"Employee Medical Records." Amended with regard to location of the system, categories of individuals and records in the system, authority citation, purpose, retention and disposal regulations, record source categories, and expansion of the routine uses.

Under the DOL drug testing program, all test results for DOL employees shall be retained and filed in OPM/GOVT 10, "Employee Medical File System Records." All test results for outside applicants shall be retained in OPM/GOVT 5, "Recruiting, Examining, Placement Records."

**DOL/OASAM-10**

"Act Program Counseling and Evaluation Files." This system is deleted. The records no longer exist.

**DOL/OASAM-11**

"DOL Training Records." This system has been expanded to include additional office locations.

**DOL/OASAM-12**

"Employee Relations Files." All portions of this system have been deleted except grievance under 5 CFR part 771. Revisions to this system

include record source categories: Individuals, interviews with individuals or other persons, other agency officials, investigative and employment records. Also, the system location has been broadened to include additional offices.

The deleted portions of this system are covered by the following government-wide systems:

OPM/GOVT-2  
OPM/GOVT-3  
OPM/GOVT-5  
MSPB/GOVT-1

#### **DOL/OASAM-13**

"Performance Requirement and Evaluation Files." The OPM/GOVT-2 system includes the same records and has broader routine uses. Rewritten to be in accord with OPM/GOVT-2.

#### **DOL/OASAM-15**

"Travel Authorization and Voucher System." Amended to include travel arrangement services and government contractor issued charge cards; system locations have been added.

#### **DOL/OASAM-16**

"Individual Career Plan Forms on Senior Executive Service Incumbents and Candidates Development Program Participants." This system has been deleted. The OPM/GOVT-1 system includes the same records and has broader routine uses.

#### **DOL/OASAM-17**

"Equal Employment Opportunity Complaint Files." This system is revised to clarify the descriptions of categories of individuals, categories of records, authority, routine uses, retrievability, safeguards, notification procedures, record access, contesting records, and record source categories; and update statutory references.

#### **DOL/OASAM-19**

"Negotiated Grievance Procedure and Unfair Labor Practice Files." The system location has been broadened to include additional offices and categories of records in the system.

#### **DOL/OASAM-20**

"Personnel Investigations Records." This system has been deleted.

#### **DOL/OASAM-21**

"Senior Executive Service Certification File." This system has been deleted. The OPM/GOVT-1 system includes the same records and has broader routine use.

#### **DOL/OASAM-22**

"Directorate of Civil Rights Citizen Discrimination Complaint Case Files."

This system is revised to add clarity to the descriptions of types, uses, and safeguard of records, and to update statutory references.

#### **DOL/OASAM-23**

A new system entitled "Contracted Travel Service Program" is established to enable travel agents who are under contract with DOL, to account for travel accrued during the conduct of their business. GSA/Govt-4 did not provide for all necessary routine uses.

#### **DOL/OASAM-24**

A new system entitled "Privacy Act/Freedom of Information Act Request Files" is published to give notice of the existence of the system of records containing the correspondence between the requester and the agency.

#### **DOL/OASAM-25**

A new system entitled "Intergovernmental Personnel Act Assignment Records" is established for records that are maintained to document and track mobility assignments under the IPA.

#### **Office of Administrative Appeals (OAA)**

DOL/OAA-1 is a new system of records entitled Administrative Appeals File. Files contain information relating to administrative adjudications by Departmental officials and Administrative Law Judges.

#### **Office of the Administrative Law Judges (OALJs)**

DOL/OALJ-1 is a new system of records entitled Administrative Law Management System. It is comprised of documents in claimants compensation files.

#### **Office of the Assistant Secretary for Policy (ASP)**

DOL/ASP-1 is a new system which began October 1, 1988 and will be in force until October 1, 1992. The system is established to protect the confidentiality of the respondents in the National Seasonal Agricultural Services Farm Worker Survey (NSFS).

#### **Benefits Review Board (BRB)**

DOL/BRB-1 is a new system of records comprised of documents accessible in case files pertaining to appeals filed with the Benefits Review Board.

#### **Bureau of Labor-Management Relations and Cooperative Programs (BLMRCP)**

DOL/BLMRCP-1 is a new system of records created under the employee protection provisions of Section 43 of the Airline Deregulation Act of 1978 and

is entitled Lists of Airline Employees Protected Under the Rehire Program. This system contains lists of protected employees who would be entitled to exercise first-right-of-hire rights in their occupational specialties if they are furloughed or terminated other than for cause. The purpose of the system is to assist covered carriers and others to verify job applicants' protected status under the Act.

DOL/BLMRCP-2 is a new system of records created under the employee protection provisions of Section 43 of the Airline Deregulation Act of 1978 and is entitled Semi-Annual Lists of Hired Employees. This system contains lists of protected employees who have been hired by covered air carriers under the first-right-of-hire requirements of the Act. The purpose of the system is to assist covered carriers and others in verifying job applicants' current status as protected employees under the Act.

DOL/BLMRCP-3 is a new system of records created under the employee protection provisions of Section 43 of the Airline Deregulation Act of 1978 and is entitled Rehire Program Appellant and Inquiry Files. This system contains appeals, inquiries, and related documents from airline employees and others seeking an interpretation or other information from the Department of Labor regarding their status as protected employees under the Act. The purpose of the system is to assist covered air carriers and others in verifying job applicants' protected status under the Act.

DOL/LMSA-20 has been changed to DOL/BLMRCP-4. The Labor-Management Services Administration was dissolved in 1984. The system identified above is housed in the Bureau of Labor-Management Relations and Cooperative Programs, which was established upon the dissolution of LMSA.

#### **Bureau of Labor Statistics (BLS)**

DOL/BLS-4 is a new system of records entitled Business Research Advisory Council. This system contains the biographical information on past, current and prospective members of the Council.

DOL/BLS-5 is a new system of records entitled Labor Research Advisory Council. This system contains the biographical information on past, current and prospective members of the Council.

DOL/BLS-6 is a new system of records entitled Applicant Race and National Origin (ARNO) System. This system contains the name, SSN, grade, and race of job applicants. The purpose

is to comply with the data collection requirements for agencies accepting applicants for Schedule B 213.3202(1) appointments as specified by the United States District Court in the civil action known as *Luevano et al. v. Devine*, No. 79-02271.

DOL/BLS-7 is a new system of records entitled BLS Employee Conduct Investigation. This system contains records associated with investigations of alleged employee misconduct.

DOL/BLS-8 is a new system of records entitled BLS Employee ADP Training. This system contains records of computer training of BLS Employees under the BLS ADP training contract.

#### **Employees' Compensation Appeals Board (ECAB)**

DOL/ECAB-1 is a new system of records entitled ECAB Docket Records. The system filed and maintained by Docket number and can be cross-referenced to name of appellant. Contains correspondence pertaining to appeal. Retired to Federal Archives after three years and destroyed after 20 years. Access to Docket records is limited to appellants, their authorized representatives and Federal employees with a bona fide, job related need for access.

DOL/ECAB-2 is a new system of records entitled Decision Records. It contains copies of final Decisions and Orders issued by the Employees' Compensation Appeals Board. Filed and maintained by Docket number. Can be cross-referenced to name to appellant. These are public documents and are available upon request.

#### **Employment Standards Administration (ESA)**

DOL-ESA-1—*Division of State Employment Standards Public Inquiry File*. Delete. Information is filed by State rather than personal identifier.

DOL-ESA-2—*Office of Federal Contract Compliance Programs Complaint Files*. Minor changes which include amendment to the Veterans Act and to conform to standard format.

DOL-ESA-5—*Black Lung Antidiscrimination Files*. Minor changes to conform to standard format.

DOL-ESA-6—*Black Lung Benefit Claim File*. Changes in retention schedule, routine uses, systems locations, format changes.

DOL-ESA-7 through 11—*Changed to DOL/ESA-30, Black Lung Automated Support Package*. The current contractor for ADP services for Black Lung has made changes which combine all automated support records for the Division into one system. Also includes changes in routine uses, systems

locations to include District Offices, format changes.

DOL-ESA-12—*Black Lung X-ray Interpretation File*. Changes in routine uses, systems locations to include District Offices, format changes.

DOL-ESA-13—*Federal Employees' Compensation Act File*. Routine uses modifications to ensure that they are broad enough to allow for certain matches and for agency use of information for health and safety purposes. Also includes Credit Bureau information and format changes.

DOL-ESA-14—*Federal Employees' Compensation Act Chargeback File*. Delete. This system is now included in DOL-ESA-13. It was a sub-set of DOL-ESA-13.

DOL-ESA-15—*Longshore and Harbor Workers' Compensation Act Case Files*. Minor changes include system manager information and format changes. *Note*: This system is incorrectly identified as a Federal Employees' Compensation Act system in the 1985 Compilation—Table of Contents.

DOL-ESA-18—*Advisory Committee on Sheltered Workshop Members' Files*. Delete. Information is filed by major categories of membership, i.e. labor, industry, etc.

DOL-ESA-22—*Advisory Committee for Higher Education Equal Employment Opportunity Programs Members' Files*. Delete. Committee disbanded.

DOL-ESA-24—*Longshore and Harbor Workers' Compensation Act Special Fund System*. Minor changes to conform to standard format.

DOL-ESA-25—*Office of Federal Contract Compliance Programs Management Information System (OFCC/MIS)*. Minor changes to correct name and location categories and conform to standard format.

DOL-ESA-26—*Longshore and Harbor Workers' Compensation Act Investigation Files*. Minor changes to correct addresses and conform to standard format.

DOL-ESA-27—*Debarred Longshore Act Claimant Representatives*. This is a new system consisting of records relating to individuals who represent or seek to represent claimants under the Longshore and Harbor Workers' Compensation Act.

DOL-ESA-28—*Physicians and Health Care Providers Excluded Under Longshore Act*. This is a new system which maintains records on physicians and other medical providers under the Longshore and Harbor Workers' Compensation Act and its extensions.

DOL-ESA-29—*Physicians and Medical Providers Excluded Under Federal Employees' Compensation Act*. This is a new system which maintains

records on physicians and other medical providers who currently, or in the past, provided medical treatment or services to injured Federal workers under the Federal Employees' Compensation Act.

DOL-ESA-30—*Black Lung Automated Support Package*. This is a new system which provides a means of accessing claims data on every Black Lung claimant; of initiating payments to both beneficiaries and medical service providers; and of maintaining accounting information on debts owed and overpayments reimbursed from the claimant/medical population.

DOL-ESA-31—*Office of Federal Contract Compliance Programs' Time Reporting Information System (TRIS)*. This is a new system which provides OFCCP managers with the capability of tracking hours used in the performance of OFCCP program responsibilities.

DOL-ESA-32—*ESA Employee Conduct Investigations*. This is a new system which conducts employee investigations to determine waste, fraud and abuse.

DOL-ESA-33—*Compliance Officer's Weekly Report*. This is a new system maintained to provide to Wage and Hour District Directors a method of monitoring the activities of Compliance Officers by providing a daily record of their activities.

#### **Employment and Training Administration (ETA)**

Notice is provided that previously published systems of records outlined below:

DOL/ETA-3, Bureau of Apprenticeship Foreign National Individual Program File; DOL/ETA-5, ESARS 2 Sample File; DOL/ETS-6, Exemplary Rehabilitation Certification Program File; DOL/ETA-10, Migrant Worker File; DOL/ETA-11, Trainee Characteristic File; DOL/ETA-12, WIN II Characteristics File; DOL/ETA-13, 1% Employee-Employer Sample File; DOL/ETA-18, Analysis of Delayed and Never Filers for Unemployment Insurance; and DOL/ETA-19, Impact of Disqualifications Provisions of State Unemployment Insurance Laws are no longer maintained by the Employment and Training Administration. Information and data are no longer collected. Those records in the previously published systems have been destroyed.

DOL/ETA-7 is a republication of an existing System of Records entitled *Employer Application File for Permanent and Temporary Alien Workers*. Previously, this system was called the Immigration and Rehabilitation Program File. The new

name provides a more accurate description of the file. This system contains the names, addresses and business information of employers who apply to ETA requesting certification to employ alien workers, permanently or temporarily, under the immigration law. Included are both agricultural and nonagricultural employers.

ETA-8. The systems previously designated as ETA-8 (Job Corps Mainstream) and ETA-9 (Job Corps Placement) have been merged into ETA-8; the previous ETA-9 has been deleted as a separate system. This is because the data system records, which had been kept in separate data files, are now combined into one data base.

DOL/ETA-16 is a republication of an existing system of records. This republication provides a more accurate description of the system and its purpose. The republication also expands the definition of the categories of records and the uses for such records, and reports that each of the ten ETA Regional Offices maintains this system of records.

The Employment and Training Administration hereby publishes notice of three new systems of records:

1. DOL/ETA-21, Employment and Training Administration Advisory Committee Files is a new system which covers present and former members of committees established by ETA and candidates applying for a position on an ETA advisory committee.

2. DOL/ETA-22, ETA Employee Conduct Investigations is a new system of records established to retain records on investigations of ETA employees that were previously references under DOL/OSEC-2, which has been deleted.

3. DOL/ETA-23 is a new system and is entitled "Federal Committee on Apprenticeship." The Federal Committee is an advisory group to the Secretary of Labor. The system contains information of a personal nature on Committee members.

#### Office of the Inspector General (OIG)

DOL/OIG-1, DOL/OIG-2, DOL/OIG-3, DOL/OIG-4, DOL/OIG-5

Some changes have been made to the five OIG systems of records in order to update the system to reflect current OIG operations and to clarify and expand subjects covered by the systems which previously may not have been clear. The routine uses enumerated are substantially more detailed and the number of routine uses has been expanded as well. The routine uses apply to all five of the OIG systems of records. In addition, modifications have been made to the systems, particularly

OIG-1 and OIG-3 to reflect the investigative operations conducted by the Office of Program Fraud Audits and the Office of Investigations pursuant to the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. 3801 et seq. Some clarifications have been made to all of the notice sections, particularly "authority for maintenance of the system," "purposes," and "exemptions."

#### Office of Labor-Management Standards (OLMS)

The Office of Labor-Management Standards (OLMS), supersedes the former Office of Labor-Management Standards Enforcement, Labor-Management Services Administration, as a result of a Departmental reorganization (Secretary's Order 3-84, 49 FR 20578).

DOL/LMSA-1 is redesignated as DOL/OLMS-1. The investigative records comprising this system of records are no longer maintained in the national office; they are presently maintained only in the Area and District Offices of OLMS.

DOL/LMSA-6, the system of records formerly maintained by LMSA regarding general labor relations inquiries made to the agency, is no longer used or maintained by OLMS.

#### Mine Safety and Health Administration (MSHA)

DOL/MSHA-1—Coal and Metal and Nonmetal Mine Accident and Injury has been amended to comply with the requirements for retrievability under the Privacy Act. Information is now accessed by mine identification, date of accident and social security number of individual(s) involved.

DOL/MSHA-12—Property Control Files has been deleted. It is not accessible by an individual identifier therefore it had been incorrectly included as a Privacy Act System.

DOL/MSHA-15—Health and Safety Training and Examination Records Including Qualification and Certification Data has been amended to comply with the requirements for retrievability under the Privacy Act. Information is now accessed by mine identification, date of accident and social security number of individual(s) involved.

DOL/MSHA-19—Employee Conduct Investigations is a new system of records that replaces DOL/OSEC-2 which was deleted.

#### Occupational Safety and Health Administration (OSHA)

DOL/OSHA-2, Complaints About State Program Administration Files (CASPA) was deleted as a system of records because CASPA files are no longer maintained by the complainant's

name. They are now filed by the name of the state involved in chronological order. This was necessary to assure that information related to a state's performance is filed by the state concerned.

DOL/OSHA-7, Employees Reports of Unsafe or Unhealthy Working Conditions, was deleted as a system of records. Although such files continue to be maintained, they are no longer accessible by employee name or identifying number; rather they are filed in case files identified by the name of the Federal agency where the employee works because the agency monitors Federal agency safety and health performance and must be able to retrieve such information by agency name.

DOL/OSHA-8, State Compliance Officer Accompanied Visit and On-the-Job Evaluation Records, was deleted as a system of records. OSHA no longer accompanies State compliance officers on their OSHA inspections nor does the agency do on-the-job evaluations. Rather, the agency monitors the adequacy of State compliance officers' activities through statistical reports. Thus, there are no longer such files subject to the Privacy Act.

Amend DOL/OSHA-10, OSHA Private Sector Instructor Files for Construction and Voluntary Compliance Courses to rename as DOL/OSHA-10, OSHA Train-the-Trainer Outreach Program. "Changes in procedures and program operations require changes in the system name, the information requirements for this system, and the methods of storage and retrieval. These changes are procedural and do not affect the categories of information about individual students maintained, individuals' rights of access to information about them, or any other rights under the Privacy Act

Delete DOL/OSHA-11, OSHA Training Institute Course Files. "The various records of individual participation in OSHA Training Institute courses are no longer maintained or retrieved by the individual student's name or other personal identifier. Procedural changes in the OSHA Training Institute's recordkeeping methods now require filing such records by course title and number. Since other personal identifier, there is no longer a need to maintain a system for such records under the Privacy Act."

DOL/OSHA-12, Employee Conduct Investigations is a new system of records relating to investigative reports associated with the case.

Add DOL/OSHA-13, OSHA Office of Training and Education Automated

Registration System. "With the receipt of new data processing equipment in the OSHA Office of Training and Education, it is now possible to automate in data files the registration of all students enrolling in OSHA Training Institute Courses. The registration procedure relies upon retrieval of registration data by using the name of the individual students and is therefore, a system of records subject to the Privacy Act."

#### **Pension and Welfare Benefits Administration (PWBA)**

Each system of records listed below is renumbered to conform with a reorganizational alignment.

DOL/PWBA-1 is a republication of DOL/LMSA-5. This system of records, entitled Executive Secretary, Employee Retirement Income Security Act (ERISA) Advisory Council on Employee Welfare and Pension Benefit Plans, contains biographical information on past, current and prospective members of the Council.

DOL/PWBA-2 is a republication of DOL/LMSA-4. This existing system of records now entitled Office of Enforcement Index Cards and Investigation Files, is renamed to include investigative case files.

DOL/PWBA-3 is a republication of DOL/LMSA-21. This existing system of records is entitled ERISA Coverage Correspondence Files.

DOL/PWBA-4 is a republication of DOL/LMSA-23. This existing system of records is retitled Inquiry Correspondence Files to more fully reflect the system's contents.

DOL/PWBA-5 is a new system of records entitled Public Disclosure Request Tracking System. This System contains information about individuals and organizations requesting information and/or reports regarding employee pension and welfare benefit plans.

System managers' addresses are changed and editorial changes are being made.

#### **Office of the Solicitor (OSOL)**

DOL/SOL-1—Conflict of Interest File—has been amended to broaden the system location to include the Regional Offices.

DOL/SOL-5—Job Partnership Training Act—this is a republication of an existing system of Records newly entitled Job Training Partnership Act, replacing the Comprehensive Employment and Training Act.

DOL/SOL-8—Special Litigation Division—previously titled Special Litigation Task Force.

DOL/SOL-9—Freedom of Information Act and Privacy Act Appeals Files—this

is a new system of Records designed to process an individual's administrative appeals made under the Privacy and Freedom of Information Acts.

DOL/SOL-10—Privacy Act Litigation Files—this is a new System of Records the purpose of which is for use in defending the Department of Labor against lawsuits.

DOL/SOL-11—Division of Civil Rights Defensive Litigation Files—this is a new system of records which is maintained to defend the Department in legal actions including civil rights enforcement activities.

DOL/SOL-12—Third Party Recovery System—this is a new system of records which is maintained to keep track of compensation received by the Department on behalf of third parties.

DOL/SOL-13—SOL Employee Conduct Investigations—this is a new system of records maintained to ensure that all appropriate records of problems, misconduct, illegal acts, conflicts of interest are retained and are available.

DOL/SOL-14—DOL Subpoena Tracking System—this is a new system maintained to track those DOL employees or former employees who have been subpoenaed or whose testimony has been requested in actions in which DOL is not a party.

#### **Office of Veterans Employment and Training (VETS)**

Pursuant to the Privacy Act of 1974, 5 U.S.C. 552a, the Department of Labor hereby revises the system of records maintained by the Office of Assistant Secretary for Veterans Employment and Training, previously published at 47 FR 30401, by deleting DOL/LMSA-3, OVRP Inquiry Files and by deleting DOL/ETA-6, Exemplary Rehabilitation Certificate Program. These records are no longer maintained by the agency.

#### **Routine Uses**

The Department, in the *General Prefatory Statement*, sets forth eleven paragraphs containing routine uses which apply to all systems. The routine use for disclosure during litigation conforms to the guidelines issued by the U.S. Department of Justice.

#### **Government-Wide Records**

Two systems of records are reported by the Department of Labor for all federal agencies since this Department has overall responsibility for the administration of the programs in connection with which these systems of records have been compiled. It is presumed that most, if not all, federal agencies maintain systems of records comprising a portion of the government-wide systems of records. In order to

avoid duplication in reporting, the Department is reporting these systems on behalf of all agencies. The Department has control over these systems to the same extent as the Office of Personnel Management has control over systems of records containing federal employee personnel records. These systems are the Federal Employees' Compensation Act files and the Job Corpsmember Records.

Signed at Washington, DC, this 14th day of February 1990.

Elizabeth Dole,  
Secretary of Labor.

#### **Table of Contents**

##### *General Prefatory Statement*

##### *Office of the Secretary (OSECY)*

DOL/OSEC-1—Supervisors Records of Employees.

DOL/OSEC-4—Credit Data on Individual Debtors.

##### *Office of the Assistant Secretary for Administration and Management (OASAM)*

DOL/OASAM-1—Attendance, Leave and Payroll File.

DOL/OASAM-4—Occupational Accident/Injury/Illness Reporting System (AIIRS) File.

DOL/OASAM-5—Rehabilitation and Counseling File.

DOL/OASAM-7—Employee Medical Records.

DOL/OASAM-11—Training Information System.

DOL/OASAM-14—Automated Position Control System.

DOL/OASAM-15—Travel and Transportation System.

DOL/OASAM-17—Equal Employment Opportunity Complaint Files.

DOL/OASAM-19—Negotiated Grievance Procedure and Unfair Labor Practice Files.

DOL/OASAM-20—Personnel Investigation Records.

DOL/OASAM-22—Directorate of Civil Rights Citizen Discrimination Complaint Files.

DOL/OASAM-23—Contracted Travel Service Program.

DOL/OASAM-24—Privacy Act/Freedom of Information Act Requests Files Systems.

DOL/OASAM-25—Intergovernmental Personnel Act Assignment Records.

##### *Office of Administrative Appeals (OAA)*

DOL/OAA-1—Administrative Appeals File.

DOL/OALJ-1—Administrative Law Management System.

##### *Office of the Assistant Secretary for Policy (ASP)*

DOL/ASP-1—Seasonal Agricultural Services (SAS) Farmworker Research File, Case Tracking file, Name Index.

##### *Benefits Review Board (BRB)*

DOL/BRB-1—Appeals Files—Benefits Review Board.

*Bureau of Labor-Management Relations and Cooperative Programs (BLMRCP)*

- DOL/BLMRCP-1—Lists of Airline Employees Protected Under the Rehire Program.
- DOL/BLMRCP-2—Semi-Annual Lists of Hired Employees.
- DOL/BLMRCP-3—Rehire Program Appellant and Inquiry Files.
- DOL/BLMRCP-4—BLMRCP, Redwood Employee Protection Program, Health and Welfare Claims and Benefits Payments.

*Bureau of Labor Statistics (BLS)*

- DOL/BLS-2—Staff Utilization File.
- DOL/BLS-3—Regional Office Staff Utilization File.
- DOL/BLS-4—Business Research Advisory Council.
- DOL/BLS-5—Labor Research Advisory Council.
- DOL/BLS-6—Applicant Race and National Origin System.
- DOL/BLS-7—BLS Employee Conduct Investigation.

*Employees' Compensation Appeals Board (ECAB)*

- DOL/ECAB-1—Employees' Compensation Appeals Board Docket Records.
- DOL/ECAB-2—Employees' Compensation Appeals Board Disposition Records.

*Employment Standards Administration (ESA)*

- DOL/ESA-2—Office of Federal Contract Compliance Programs, Complaint Files.
- DOL/ESA-5—Office of Workers' Compensation Programs, Black Lung Anti-discrimination Files.
- DOL/ESA-6—Office of Workers' Compensation Programs, Black Lung Benefit Claim File.
- DOL/ESA-12—Office of Workers' Compensation Programs, Black Lung X-ray Interpretation File.
- DOL/ESA-13—Office of Workers' Compensation Programs, Federal Employees' Compensation File.
- DOL/ESA-15—Office of Workers' Compensation Programs, Longshore and Harbor Workers' Compensation Act Case Files.
- DOL/ESA-24—Office of Workers' Compensation Programs, Longshore and Harbor Workers' Compensation Act Special Fund System.
- DOL/ESA-25—Office of Federal Contract Compliance Programs, Management Information System (OFCC/MIS).
- DOL/ESA-26—Office of Workers' Compensation Programs, Longshore and Harbor Workers' Compensation Act Investigation Files.
- DOL/ESA-27—Office of Workers' Compensation Programs, Longshore and Harbor Workers' Compensation Act Claimant Representatives.
- DOL/ESA-28—Office of Workers' Compensation Programs, Physicians and Health Care Providers Excluded Under the Longshore Act.
- DOL/ESA-29—Office of Workers' Compensation Programs, Physicians and Health Care Providers Excluded Under the Federal Employees' Compensation Act.
- DOL/ESA-30—Office of Workers' Compensation Programs, Black Lung Automated Support Package.

- DOL/ESA-31—Office of Federal Contract Compliance Programs, Time Reporting Information System (TRIS).
- DOL/ESA-32—Employment Standards Administration, Employee Conduct Investigations.

*Employment and Training Administration (ETA)*

- DOL/ETA-1—Bureau of Apprenticeship and Training, Budget and Position Control File.
- DOL/ETA-2—Bureau of Apprenticeship and Training, Program Management Group, Budget and Position Control File.
- DOL/ETA-4—Apprenticeship Management System.
- DOL/ETA-7—Employer Application File for Permanent and Temporary Alien Workers.
- DOL/ETA-8—Job Corps Management Information System File.
- DOL/ETA-14—Job Corpsmember Records.
- DOL/ETA-16—Employment and Training Administration Investigatory File.
- DOL/ETA-20—Federal Bonding Program, Bondees Certification Files.
- DOL/ETA-21—Employment and Training Administration Advisory Committees Files.
- DOL/ETA-22—ETA Employee Conduct Investigations.
- DOL/ETA-23—Federal Committee on Apprenticeship.

*Office of Inspector General (OIG)*

- DOL/OIG-1—General Investigative Files, Case Tracking Files, and Subject/Title Index.
- DOL/OIG-2—Freedom of Information/Privacy Acts Records.
- DOL/OIG-3—Case Development Records.
- DOL/OIG-4—Temporary Matching Files.
- DOL/OIG-5—Investigative Case Tracking Systems/Audit Information Reporting Systems.

*Office of Labor-Management Standards (OLMS)*

- DOL/OLMS-1—Investigative Files.

*Mine Safety and Health Administration (MSHA)*

- DOL/MSHA-1—Coal and Metal and Nonmetal Mine Accident Injury.
- DOL/MSHA-3—Metal and Nonmetal Mine Safety and Health Management Information System.
- DOL/MSHA-10—Discrimination Investigations.
- DOL/MSHA-13—Coal Mine Respirable Dust Program.
- DOL/MSHA-14—Coal Mine Noise Level Programs.
- DOL/MSHA-15—Health and Safety Training and Examination Records Including Qualification and Certification Data.
- DOL/MSHA-18—Coal Mine Safety and Health Management Information System.
- DOL/MSHA-19—Employee Conduct Investigations.

*Pension and Welfare Benefits Administration (PWBA)*

- DOL/PWBA-1—Executive Secretary, Employee Retirement Income Security Act (ERISA), Advisory Council on Employee Welfare and Pension Benefit Plans.
- DOL/PWBA-2—Office of Enforcement Index Cards and Investigation Files.

- DOL/PWBA-3—ERISA Coverage Correspondence Files.

- DOL/PWBA-4—Inquiry Correspondence Files.
- DOL/PWBA-5—Public Disclosure Request Tracking System.

*Occupational Safety and Health Administration (OSHA)*

- DOL/OSHA-1—Discrimination Complaint File.
- DOL/OSHA-4—Advisory Committee Candidates' Biographies.
- DOL/OSHA-6—Compliance Safety and Health Officer Manpower File.
- DOL/OSHA-9—OSHA Compliance Safety and Health Officer Training Record.
- DOL/OSHA-10—OSHA Train-the-Trainer Outreach Program.
- DOL/OSHA-12—OSHA Employee Conduct Investigations.
- DOL/OSHA-13—OSHA Office of Training and Education Automated Registration System.

*Office of the Solicitor (SOL)*

- DOL/SOL-1—Conflict of Interest File.
- DOL/SOL-2—Employment and Training Legal Services Litigation and Investigation File.
- DOL/SOL-3—Federal Tort Claims Act.
- DOL/SOL-5—Job Training Partnership Act.
- DOL/SOL-6—Military Personnel and Civilian Employees Claims Act.
- DOL/SOL-7—Solicitor's Legal Activity Recordkeeping System.
- DOL/SOL-8—Special Litigation Division.
- DOL/SOL-9—Freedom of Information Act and Privacy Act Appeals File.
- DOL/SOL-10—Privacy Act Litigation Files.
- DOL/SOL-11—Division of Civil Rights Defensive Litigation file.
- DOL/SOL-12—Third Party Recovery System.
- DOL/SOL-13—SOL Employee Conduct Investigations.
- DOL/SOL-14—DOL Subpoena Tracking System.

*Veterans Employment and Training (VETS)*

- DOL/VETS-1—Veterans' Reemployment Complaint File.

## APPENDIX I—RESPONSIBLE OFFICIALS

## APPENDIX II—PRIVACY ACT COORDINATORS

## General Prefatory Statement

The following routine uses apply to and are incorporated by reference into each system of records published below unless the text of a particular notice of a system of records indicate otherwise.

1. In the event that a system of records, maintained by the Department to carry out its functions, indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of

investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. A record from any system of records, set forth below may be disclosed, as a routine use, to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information on a Department decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefits.

3. A record from any system of records set forth below may be disclosed, as a routine use, to a federal agency, in response to its request, in connection with the hiring or retention of an employee, in issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefits by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. To the Department of Justice or in a proceeding before a court or adjudicative body when:

(a) The U.S., Department of Labor, or any component of the Department or when represented by the Government an employee of the Department party to litigation or anticipated litigation or has an interest in such litigation, and

(b) The disclosure is deemed by the DOL to be relevant and necessary to the litigation, and

(c) The DOL determines that disclosure is compatible with the purpose for which the record was compiled.

5. A record from any system of records set forth below may be disclosed, as a routine use, to a Member of Congress submitting a request involving the individual's record when the individual is a constituent of the Member and has requested assistance from the Member with respect to the subject matter of the record.

6. A record from any system of records set forth below which contains medical information may be disclosed, as a routine use, to a physician designated in writing by any individual who request access to the record if, in the sole judgement of the Department, disclosure could have an adverse effect upon the individual, under the provisions of 5 U.S.C. 552a(f)(3) and implementing regulations.

7. A record from any system of records set forth below may be disclosed, as a routine use, to the Office of Management and Budget in connection with the review of private relief, legislative coordination and clearance process.

8. A record from a system of records may be disclosed as a routine use to an actual or potential party or his or her attorney for the purpose of negotiation or discussion of such matters as settlement of the case or matter plea bargaining, and informal discovery proceedings.

9. A record from any systems or records may be disclosed as a routine use to the National Archives & Records Administration (NARA) in records management inspections conducted under the authority of 44 U.S.C. 2904 & 2906.

10. A record from a system of records may be disclosed as a routine use to respond to a request for discovery and appearance of a witness, when relevant to the subject matter involved in a pending judicial or administrative proceeding.

11. A record from a system of records may be disclosed as a routine use to disclose information to an expert, a consultant, a volunteer, or contractor (including employees of the contractor) of Department of Labor who is performing a Federal duty.

#### *Government-Wide Records*

Two systems of records are reported by the Department of Labor for all federal agencies since this Department has overall responsibility for the administration of the programs in connection with which these systems of records have been compiled. It is presumed that most, if not all federal agencies maintain systems of records comprising a portion of the government wide systems of records. In order to avoid duplication in reporting, the Department is reporting these systems on behalf of all agencies. The Department has control over these systems to the same extent as the Office of Personnel Management has control over systems of records containing federal employee personnel records.

1. *Federal Employees' Compensation Act files:* All records relating to injury or death of civilian employees or other persons entitled to benefits under the Federal Employees' Compensation Act are the records of the Office of Workers' Compensation Programs of the Department of Labor. The Office asserts control of these records under the provisions of 5 U.S.C. 8149 and Department regulations at 20 CFR 10.10. The systems of records for these records

is being reported by the Department as a Government-wide notice. This notice, however, does not apply to other medical or related files not created pursuant to the Federal Employees' Compensation Act which may be in the possession of an agency.

2. *Job Corpsmember Records:* All records which contain information about corpsmembers during their stay, from entrance to placement and/or termination are retained. The Office of Employment and Training Administration asserts control of these records under 29 U.S.C. 1691 et. seq. The systems of records for these records is being reported by the Department as a Government-wide notice.

Initial determinations concerning access, amendment or correction of these records shall be made by the administrative agency. Administrative appeals shall be referred to the Solicitor of Labor, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

3. The Department of Labor formerly reported Office of Federal Contract Compliance Programs Complaint Files on behalf of all executive agencies. This government-wide report is no longer necessary, because Executive Order 12086 (43 FR 46501, October 10, 1978) has led to the consolidation, under the Secretary of Labor, of all contract compliance functions for equal employment opportunity. Accordingly, the OFCCP Complaint Files are now reported by the Employment Standards Administration under DOL/ESA-2.

*Addresses to Which Requests May Be Directed.*

The addresses of the various component units of the Department as well as its field offices are contained in Appendix I annexed to this document. For general assistance, you may wish to contact the Privacy Act Coordinators listed in appendix II.

In addition, the following government agencies also have Government-wide Systems of Records:

#### *Government-Wide Systems*

EEOC/GOVT 1—Equal Employment Opportunity Complaint Records and Appeal Records.

FEMA/GOVT 1—Uniform Identification Systems for Federal Employees Performing Essential Duties During Emergencies.

GSA/GOVT 2—Employment Under Commercial Activities Contracts.

GSA/GOVT 3—Travel Charge Card Program.

GSA/GOVT 4—Contracted Travel Services Programs.

MSPB/GOVT 1—Appeal and Case Records.

OPM/GOVT 1—General Personnel Records.

OPM/GOVT 2—Employee Performance File System Record.

OPM/GOVT 3—Records of Adverse Actions and Actions Based on Unacceptable Performance.

OPM/GOVT 4—Executive Branch Public Financial Disclosure Reports and other Ethics Program Records.

OPM/GOVT 5—Recruiting, Examining and Placement Records.

OPM/GOVT 6—Personnel Research and Test Validation Records.

OPM/GOVT 7—Applicant—Race, Sex, National Origin and Disability Status Records.

OPM/GOVT 8—Confidential Statements of Employment and Financial Interests.

OPM/GOVT 9—File on Position Classification Review Requests (Appeals) and Grade and Pay Retention Appeals.

OPM/GOVT 10—Employee Medical File System Records.

*Addresses to Which Requests May Be Directed.* The addresses of the various component units of the Department as well as its field offices are contained in appendix I annexed to this document. For general assistance, you may wish to contact the Privacy Act Coordinators listed in appendix II.

#### DOL/OSEC/01

##### SYSTEMS NAME:

Supervisor's Records of Employees.

##### SECURITY CLASSIFICATION:

None.

##### SYSTEM LOCATION:

Immediate supervisors and one additional organizational level at all facilities of the Department.

##### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current employees and employees who have departed within the past year.

##### CATEGORIES OF RECORDS IN THE SYSTEM:

Records related to individuals while employed by the Department and which contain such information as: record of employee/supervisor discussions, supervisory copies of officially recommended actions, reports of FTS telephone usage containing call detail information, awards, disciplinary actions, emergency addressee information, correspondence from physicians, and training requests.

##### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 1302, 2951, 4118, Reorganization Plan 6 of 1950, and the Civil Service Reform Act of 1978.

##### PURPOSE(S):

To maintain a file of information that serves as a reminder for supervisors as

they take specific personnel actions on employees.

##### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES AND USERS AND THE PURPOSE OF SUCH USES:

Selected information may be disclosed at appropriate stages of adjudication to the Merit Systems Protection Board, Office of the Special Counsel, the Federal Labor Relations Authority, the Equal Employment Opportunity Commission, arbitrators, or the courts.

##### DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Not applicable.

##### POLICIES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

Records are maintained in manual files, computer printouts, and other appropriate media.

##### RETRIEVABILITY:

Records are indexed by any combination of name or Social Security Number, or telephone number.

##### SAFEGUARDS:

Locked storage cabinets and desks.

##### RETENTION AND DISPOSAL:

Records are maintained on current employees. Records on former employees are kept for one year, then destroyed.

##### SYSTEM MANAGERS(S) AND ADDRESS:

All supervisors having responsibility for performance management plans.

##### NOTIFICATION PROCEDURE:

An individual may inquire whether or not the system contains a record pertaining to her/him by contacting the supervisor who completes his/her performance management plan.

##### RECORD ACCESS PROCEDURES:

As specified above in "Notification Procedure".

##### CONTESTING RECORD PROCEDURES:

As specified above in "Notification Procedure".

##### RECORD SOURCE CATEGORIES:

Information is supplied by the individual, the supervisor, and other agency officials.

##### SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Not applicable.

#### DOL/OSEC-4

##### SYSTEM NAME:

Credit Data on Individual Debtors.

##### SECURITY CLASSIFICATION:

None.

##### SYSTEM LOCATION:

A. Offices in Washington, DC:

1. Office of the Secretary of Labor, including:

a. Office of the Assistant Secretary for Administration and Management (OASAM);

b. Office of Information and Public Affairs;

c. Bureau of International Labor Affairs;

d. Employees' Compensation Appeals Board;

e. Wage Appeals Board;

f. Benefits Review Board;

g. Office of Administrative Law Judges;

h. Pension Benefit Guaranty Corporation;

i. Committee on the Employment of People with Disabilities;

j. National Occupational Information Coordinating Committee;

k. National Commission for Employment Policy;

2. Pension and Welfare Benefits Administration;

3. Office of Labor-Management Services;

4. Bureau of Labor Statistics;

5. Employment Standards Administration;

6. Employment and Training Administration;

7. Occupational Safety and Health Administration;

8. Mine Safety and Health Administration;

9. Office of the Inspector General;

10. Bureau of Labor Management Relations and Cooperative Programs;

11. Office of the Solicitor of Labor.

B. Regional, area and other offices of the above.

##### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals, including DOL employees, former DOL employees, and other individuals who are indebted to the United States.

##### CATEGORIES OF RECORDS IN THE SYSTEM:

Commercial credit reports, correspondence to and from the debtor, information or records relating to the debtor's current whereabouts, assets, liabilities, income and expenses, debtor's personal financial statements, and other information such as social security number, address, nature,

amount and history of the debt, and other records and reports relating to the implementation of the Debt Collection Act of 1982, including any investigative reports or administrative review matters.

#### **AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Federal Claims Collection Act of 1966, as amended, 80 Statute 309; 31 U.S.C. 3700; Debt Collection Act of 1982, Pub. L. 97-365; and title 4, Code of Federal Regulations, chapter II.

#### **PURPOSE OF SYSTEM:**

To assemble in one system information on individuals who are indebted to the Department of Labor for the purpose of determining collectibility of debts and taking appropriate actions to collect or otherwise resolve the debts.

#### **ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

A. Pursuant to section 13 of the Debt Collection Act of 1982, the name, address(es), telephone number(s), social security number, and nature, amount and history of the debt of an individual may be disclosed to private debt collection agencies for the purpose of collecting or compromising a debt existing in this system.

B. Department of Justice/General Accounting Office: Information may be forwarded to the General Accounting Office and/or the Department of Justice as prescribed in the Joint Federal Claims Collection Standards, 4 CFR chapter II. When debtors fail to make payment through normal collection routines, the files are analyzed to determine the feasibility of enforced collection by referring the cases to the Department of Justice for litigation.

C. Other Federal agencies: 1. Pursuant to sections 5 and 10 of the Debt Collection Act of 1982, information relating to the implementation of the Debt Collection Act of 1982 may be disclosed to other Federal Agencies to effect salary or administrative offsets, or for other purposes connected with the collection of debts owed to the United States.

2. A record from this system may be disclosed to a Federal Agency in response to its request in connection with the hiring/retention of an employee, the letting of a contract, or the issuance of a grant, license, or other benefit by the requesting agency, to the extent that the information is necessary and relevant to the requesting agency's decision on the matter.

D. Internal Revenue Service: 1. Information contained in the system of records may be disclosed to the Internal

Revenue Service to obtain taxpayer mailing addresses for the purpose of locating such taxpayer to collect, compromise, or write-off a Federal claim against the taxpayer.

2. Information may be disclosed to the Internal Revenue Service for the purpose of offsetting a Federal claim from any income tax refund that may be due to the debtor.

3. Information may be disclosed to the Internal Revenue Service concerning the discharge of an indebtedness owed by an individual.

E. Information contained in the system of records may be disclosed to a consumer reporting agency for the purpose of receiving a credit report identifying the assets, liabilities, income, and expenses of a debtor to ascertain the debtor's ability to repay a debt.

#### **DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

The amount, status, and history of overdue debts; the name and address, taxpayer identification (SSN), and other information necessary to establish the identity of a debtor, the agency and program under which the claim arose, are disclosed pursuant to 5 U.S.C. 552a(b)(12) to consumer reporting agencies as defined by section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f)), in accordance with section 3(d)(4)(a)(ii) of the Federal Claims Collection Act of 1966, as amended (31 U.S.C. 3711(f)) for the purpose of encouraging the repayment of an overdue debt.

#### **POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THIS SYSTEM:**

##### **STORAGE:**

The records are in manual files, magnetic tapes or other computer storage media, or on computer printouts.

##### **RETRIEVABILITY:**

Credit data is maintained by debtor name, claim number, cross referenced to the social security number (when available) to verify name and address.

##### **SAFEGUARDS:**

When not in use by personnel responsible for the records, manual files and computer printouts are stored in locked file cabinets; magnetic tapes and other computer storage media are stored in locked rooms. While on-line, computerized records are secured by way of system access controls, including but not necessarily limited to password protection.

##### **RETENTION AND DISPOSAL:**

After becoming inactive, records are cut-off at the end of the fiscal year, held

one year, and then retired to a Federal Records Center under Record Group 217, GAO. Records created prior to July 2, 1975, will be retained for 10 years 3 months after the close of the account. Records created after July 2, 1975, will be retained by GAO for 6 years and 3 months after the close of the account.

#### **SYSTEM MANAGER(S) AND ADDRESS:**

See the appropriate agency official, 29 CFR 70.43.

#### **NOTIFICATION PROCEDURE:**

Individuals wishing to inquire whether this system of records contains information about them should contact the system manager.

#### **RECORD ACCESS PROCEDURE:**

Contact the appropriate agency official listed in the "Notification procedure" section.

#### **CONTESTING RECORD PROCEDURE:**

DOL rules and regulations for contesting any record contents disclosure, and for appealing same, are promulgated at 29 CFR 70a.9.

#### **RECORD SOURCE CATEGORIES:**

Information in this system is obtained from commercial credit reports, agency investigative reports, debtor's personal financial statements, correspondence and records relating to hearings on the debt, and from other DOL systems of records.

#### **SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

#### **DOL/OASAM-1**

##### **SYSTEM NAME:**

Attendance, Leave, and Payroll File.

##### **SECURITY CLASSIFICATION:**

None.

##### **SYSTEM LOCATION:**

- A. Offices in Washington, DC:
1. Office of the Secretary of Labor, including:
    - a. Office of the Assistant Secretary for Administration and Management, (OASAM);
    - b. Office of the Solicitor of Labor;
    - c. Office of Public and International Affairs;
    - d. Bureau of International Labor Affairs;
    - e. Employees' Compensation Appeals Board;
    - f. Wage Appeals Board;
    - g. Benefits Review Board;
    - h. Office of Administrative Law Judges;

- i. Pension Benefit Guaranty Corporation;
- j. President's Committee on the Employment of People with Disabilities;
- k. National Occupational Information Coordinating Committee;
- l. National Commission for Employment Policy;
- m. Veteran's Employment and Training Service.
- 2. Bureau of Labor Statistics;
- 3. Employment Standards Administration;
- 4. Office of Labor-Management Services;
- 5. Employment and Training Administration;
- 6. Occupational Safety and Health Administration;
- 7. Mine Safety and Health Administration;
- 8. Office of the Inspector General;
- 9. Pension and Welfare Benefits Administration;
- 10. Bureau of Labor Management Relations and Cooperative Programs.
- B. Regional and Area Offices of the above.
- C. Timekeepers.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Department of Labor employees.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name, social security number and employee number, grade, step, and salary, organization (code), retirement or FICA data as applicable, Federal, State and local tax deductions, as appropriate, IRS tax lien data, savings bond and charity deductions; regular and optional government life insurance deduction(s), health insurance deduction and plan or code; cash award data; jury duty data, military leave data, pay differentials, union dues deductions, allotments by type and amount, Thrift Savings Plan contributions, financial institution code and employee account number, leave status and data of all types (including annual, compensatory, jury duty, maternity, military, retirement, disability, sick, transferred, and without pay), time and attendance records, including flexitime log sheets indicating number of regular, overtime, holiday, Sunday, and other hours worked, pay period number and ending date, cost of living allowances, co-owner and/or beneficiary of bonds, marital status, number of dependents, mailing address, and "Notification of Personnel Action." Commercial credit reports of individuals indebted to the United States, correspondence to and from the debtor, information or records relating to the debtor's current whereabouts, assets, liabilities, income and expenses,

debtor's personal financial statements and other information such as the nature, amount and history of a debt owed by an individual covered by this system, and other records and reports relating to the implementation of the Debt Collection Act of 1982, including any investigative reports or administrative review matters. The individual records listed herein are included only as pertinent or applicable to the individual employee.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

31 U.S.C. 66(a).

**PURPOSE:**

In compliance with principles and standards prescribed by the Comptroller General, manage the Department of Labor's compensation and benefits processing, accounting, and reporting. Provide control procedures and systems to assure the complete and timely processing of input documents and output reports necessary to update and maintain the Department's Interactive Payroll System.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

A. Transmittal of data to the U.S. Treasury to effect issuance of paychecks to employees and distribution of pay according to employee directions for savings bonds, allotments to financial institutions, and other authorized purposes. Transmittal of Thrift Savings Plan data to the Thrift Savings Board to effect contributions to the Thrift Savings Plan. Tax withholding data is sent to the Internal Revenue Service and appropriate State and local taxing authorities, FICA deductions to the Social Security Administration, dues deductions to labor unions, withholdings for health insurance to insurance carriers and the Office of Personnel Management, charity deductions to agents of charitable institutions, annual W-2 statements to taxing authorities and the individual, and transmittal of computer tape data to appropriate State and local governments for their benefits matching projects.

B. Pursuant to section 13 of the Debt Collection Act of 1982, the name, Social Security Number, address(es), telephone number(s), and nature, amount and history of the debt of a current or former employee may be disclosed to private collection agencies for the purpose of collecting or compromising a debt existing in this system.

C. Department of Justice and General Accounting Office: Information may be forwarded to the General Accounting Office and/or the Department of Justice

as prescribed in the Joint Federal Claims Collection Standards (4 CFR chapter II). When debtors fail to make payment through normal collection routines, the files are analyzed to determine the feasibility of enforced collection by referring the cases to the Department of Justice for litigation.

**Other Federal Agencies:**

(1) Pursuant to sections 5 and 10 of the Debt Collection Act of 1982, information relating to the implementation of the Debt Collection Act of 1982 may be disclosed to other Federal Agencies to effect salary or administrative offsets, or for other purposes connected with the collection of debts owed to the United States.

(2) A record from this system may be disclosed to a Federal Agency in response to its request in connection with the hiring/retention of an employee, the letting of a contract, or the issuance of a grant, license, or other benefit by the requesting agency, to the extent that the information is necessary and relevant to the requesting agency's decision on the matter.

**E. Internal Revenue Service:**

(1) Information contained in the system of records may be disclosed to the Internal Revenue Service to obtain taxpayer mailing addresses for the purpose of locating such taxpayer to collect, compromise, or write-off a Federal claim against the taxpayer.

(2) Information may be disclosed to the Internal Revenue Service concerning the discharge of an indebtedness owed by an individual.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

The amount, status, and history of overdue debts; the name and address, taxpayer identification number (SSN), and other information necessary to establish the identity of a debtor, the agency and program under which the claim arose, are disclosed pursuant to 5 U.S.C. 552a(b)(12) to consumer reporting agencies as defined by section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f)), in accordance with section 3(d)(4)(A)(ii) of the Federal Claims Collection Act of 1966, as amended (31 U.S.C. 3711(f)) for the purpose of encouraging the repayment of an overdue debt.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Manual and machine-readable files.

**RETRIEVABILITY:**

By name and SSN.

**SAFEGUARDS:**

Personnel screening and locked storage equipment.

**RETENTION AND DISPOSAL:**

Retained until after GAO audit. Records are then disposed of, or retired, according to specified agency/GRS records schedules.

**SYSTEM MANAGER(S) AND ADDRESS:**

See the appropriate Agency Official in attached and at 29 CFR 70a.43.

**NOTIFICATION PROCEDURE:**

As in system manager and address.

**RECORD ACCESS PROCEDURES:**

As in system manager and address.

**CONTESTING RECORD PROCEDURES:**

As in system manager and address.

**RECORD SOURCE CATEGORIES:**

Employees, supervisors, timekeepers, official personnel records, the IRS, commercial credit reports, personal financial statements, correspondence with the debtor, records relating to hearings on the debt, and from other DOL systems of records.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:****DOL/OASAM-4****SYSTEM NAME:**

Occupational Accident/Injury/Illness Reporting System (AIIRS) File.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Office of Safety and Health, OASAM, U.S. Department of Labor, room S-2220F, 200 Constitution Avenue, NW., Washington, DC, 20210 and DOL regional offices. A copy of Form DL 1-440, Supervisor's Report of Accident/Injury/illness, is retained in the office of the supervisor who files the report.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

DOL employees and Job Corpsmembers involved in occupationally related accidents, injuries and illnesses.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Reports of on-the-job accidents, injuries, and illnesses generated as a result of filing a DL 1-440, Supervisor's Report of Accident/Injury/Illness form.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

29 U.S.C. 651 *et seq.*, 29 CFR part 1960, 5 U.S.C. 7902, DOL Secretary's Order 1-88, Executive Order 12196.

**PURPOSE(S):**

This system is used (a) to provide a documented record of accidents, injuries, and illnesses for the purpose of measuring safety and health program's effectiveness; (b) to provide an information source for compliance with the Occupational Safety and Health Act; (c) to provide summary data of injury, illness and property loss information to departmental agencies in a number of formats for analytical purposes in establishing programs to reduce or eliminate loss producing problem areas; (d) to provide listings of individual cases to departmental agencies to ensure that accidents occurring are reported through the accident/injury/illness reporting system; and (e) adjudicating tort and employee claims.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USERS:**

None.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Records are stored in manual files and on machine readable magnetic tape in national and regional offices where report is submitted.

**RETRIEVABILITY:**

Records are retrieved by any record element, including name.

**SAFEGUARDS:**

Records are maintained in locked storage equipment. Computer files are accessible only through proper code numbers.

**RETENTION AND DISPOSAL:**

Records are maintained for five years (5) after each report is filed with the agency, according to the OSHA Act of 1970. Records are then retired/disposed of according to NARA approved records schedules.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Office of Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., room S-2220F, Washington, DC 20210.

**NOTIFICATION PROCEDURE:**

Individuals wishing to inquire whether this system of records contains information about them should contact the systems manager, or the servicing regional office in which they are employed. Individuals must furnish the

following information for their records to be located and identified:

- Full name.
- Social security number.
- File/case number.
- Signature.

**RECORD ACCESS PROCEDURES:**

Individuals wishing to request access to records should contact the appropriate office listed in the Notification Procedure section. Individuals must furnish the following information for their records to be located and identified:

- Full name.
- Date of birth.
- File/case number.
- Signature.

Individuals requesting access must also comply with the Office's Privacy Act regulations on verification of identity and access to records (5 CFR 297.201 and 297.203).

**CONTESTING RECORD PROCEDURES:**

Individuals wishing to request information about their records should contact the systems manager shown above. Individuals must furnish the following information for their records to be located and identified:

- Full name.
- Social security number.
- File/case number.
- Signature.

**RECORD SOURCE CATEGORIES:**

(a) The individual to whom the information pertains; (b) the individual's supervisor; and (c) Form DL 1-440, Supervisor's Report of Accident/Injury/Illness.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**DOL/OASAM-5****SYSTEM NAME:**

Rehabilitation and Counseling File.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Office of Safety and Health, OASAM, U.S. Department of Labor, room S-3217, 200 Constitution Avenue, NW., Washington, DC 20210 and DOL regional offices.

Note: In order to meet the statutory requirement that agencies provide appropriate prevention, treatment, and rehabilitation programs and services for employees with alcohol or drug problems, and to better accommodate establishment of a health service program to promote employees' physical and mental fitness, it

may be necessary for an agency to use the counseling staff of another Federal, state, or local government, or private sector agency or institution. This system does not cover records on DOL employees that are maintained by other government agencies. Those records are considered the property of the agency providing treatment. All information contained therein is considered privileged and under the protection of the Privacy Act of 1974 and the Confidentiality Regulations (42 CFR part 2).

#### **CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Current and former DOL employees who have been counseled or otherwise treated regarding alcohol or drug abuse or for personal or emotional health problems.

#### **CATEGORIES OF RECORDS IN THE SYSTEM:**

Records in this system include documentation of visits to employee counselors (Federal, state, local government, or private) and the diagnosis, recommended treatment, results of treatment, and other notes or records of discussions held with the employee made by the counselor. Additionally, records in this system may include documentation of treatment by a private therapist or a therapist at a Federal, State, local government, or private institution.

#### **AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

42 U.S.C. 290aa-1, 21 U.S.C. 1101 *et seq.*, E.O. 12564

#### **PURPOSE:**

These records are used to document the nature of the individual's problem and progress made and to record the individual's participation in and the results of community or private sector treatment or rehabilitation programs.

#### **ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in these records may be used:

- To disclose patient identifying information to medical personnel who have a need for the information about a patient for the purpose of treating a condition which poses an immediate threat to health of any person in accordance with 42 CFR 2.51;
- To disclose patient identifying information for the purpose of conducting scientific research under the circumstance set forth in 42 CFR 2.52;
- To disclose patient identifying information for audit and evaluation purposes under the circumstances set forth in 42 CFR 2.53;
- To disclose patient identifying information to medical personnel of the

Food and Drug Administration (FDA) under the circumstances set forth in 42 CFR 2.51(b) *et seq.*;

e. To disclose information to a Federal, State or local law enforcement authority about a crime committed by a patient either at the program or against any person who works for the program, or about a threat to commit such a crime. (See 42 CFR 2.22);

f. To disclose the fact of a minor's application for treatment to the minor's parent or guardian where State law requires parental consent. (See 42 CFR 2.14(c));

g. To disclose information to a Qualified Service Organization (QSO) in accordance with 42 CFR 2.12(c)(4), *i.e.* where the QSO needs the information to provide services to the program;

h. To disclose information to State and local law enforcement authorities pertaining to incidents of suspected child abuse or neglect as described in 42 CFR 2.12(c)(6).

#### **DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

#### **POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

##### **STORAGE:**

These records are maintained in file folders.

##### **RETRIEVABILITY:**

These records are retrieved by the name of the individual on whom they are maintained.

##### **SAFEGUARDS:**

These records are maintained in locked file cabinets labeled confidential with access strictly limited to employees directly involved in the Office's alcohol and drug abuse prevention function (as that term is defined in 42 CFR part 2).

##### **RETENTION AND DISPOSAL:**

Records are maintained for six (6) years after the employee's last contact with the Office's prevention function or, if the employee leaves the agency, until the Employee Assistance Program Annual Report for the fiscal year in which separation occurred is prepared. Records are destroyed by shredding or burning.

##### **SYSTEM MANAGER(S) AND ADDRESS:**

Chief, Division of Health Services,  
U.S. Department of Labor, room S-3217,  
200 Constitution Avenue, NW.,  
Washington, DC 20210.

##### **NOTIFICATION PROCEDURE:**

Individuals wishing to inquire whether this system of records contains

information about them should contact the DOL Employee Assistance Program coordinator who arranged for counseling or treatment. Individuals must furnish the following information for their records to be located and identified:

- Full name.
- Date of birth.
- Signature.

#### **RECORD ACCESS PROCEDURES:**

Individuals wishing to request access to records pertaining to them should contact the DOL Employee Assistance Program coordinator who arranged for counseling or treatment. Individuals must furnish the following information for their records to be located and identified:

- Full name.
- Date of birth.
- Signature.

Individuals requesting access must also comply with the Office's Privacy Act regulations on verification of identity and access to records (5 CFR 297.201 and 297.203).

#### **CONTESTING RECORD PROCEDURES:**

Individuals wishing to request amendment to these records should contact the DOL Employee Assistance Program coordinator who arranged for counseling or treatment.

Individuals must furnish the following information for their records to be located and identified.

- Full name.
- Date of birth.
- Signature.

Individuals requesting amendment must also comply with the Office's Privacy Act regulations on verification of identity and amendment of records (5 CFR 297.201 and 297.208).

#### **RECORDS SOURCE CATEGORIES:**

Information in this system of records comes from the individual to whom it applies, the supervisor of the individual if the individual was referred by a supervisor, the Employee Assistance Program staff member who records the counseling session, therapists or institutions providing treatment, and other sources whom the Office believes may have information relevant to treatment of the individual.

#### **SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

#### **DOL/OASAM-7**

##### **SYSTEM NAME:**

Employee Medical Records.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

U.S. Department of Labor, OASAM, room S-3214, 200 Constitution Avenue, NW., Washington, DC 20210 and the DOL Health Unit at 555 Griffin Square Building, Dallas, Texas 75202.

**Note:** Other regional and national office health unit services are provided by other Federal agencies located near DOL worksites, such as the U.S. Public Health Service, Department of the Navy, and the Internal Revenue Service. Employee health records maintained by these agencies are considered the property of the agency providing treatment. The records are maintained in the strictest confidence and all information contained therein is considered privileged and under the protection of the Privacy Act of 1974.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals covered are those of the following who have received health services under the Federal Employee Occupational Health Program:

- DOL employees (whether actually employed at 200 Constitution Avenue or elsewhere in the Washington, DC, area), who have received services at the DOL Health Unit.
- DOL employees who participate in the Health Unit located at 555 Griffin Square Building, Dallas, Texas, who have received health services.
- Employees of other agencies/visitors who have received health services at DOL Health Units.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system is comprised of records developed as a result of employee utilization of services provided under the Office's Occupational Health Program. These records contain the following information:

- Medical history and other biographical data on those individuals requesting employee health maintenance physical examinations.
- Test reports and medical diagnosis based on employee health maintenance physical examinations or health screening program tests (tests for single medical conditions or diseases).
- History of complaint, diagnosis, and treatment of injuries and illnesses cared for at Health Unit.
- Vaccination records.
- All other medical records, forms, and reports created on an employee during his or her period of employment or records designated for long-term retention.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 7901 *et seq.*, Office of Management and Budget Circular No. A-77.

**PURPOSES:**

These records document employee utilization of health services provided under the Office's Occupational Health Program.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in these records may be used:

- To refer information required by applicable law to be disclosed to a Federal, State, or local public health service agency, concerning individuals who have contracted certain communicable diseases or conditions. Such information is used to prevent further outbreak of the disease or condition.
- To disclose information to the appropriate Federal, State, or local agency responsible for investigation of an accident, communicable disease, medical condition, or injury as required by pertinent legal authority.
- To disclose information to another Federal agency, to a court or a party in litigation before a court or in an administrative proceeding being conducted by a Federal agency, either when the Government is a party to a judicial proceeding or in order to comply with the issuance of a subpoena.
- To disclose, in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.
- To disclose to the OWCP information in connection with a claim for benefits filed by an employee.
- To provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual.
- To communicate information to contractors providing medical or counseling services to Department of Labor employees when such contractors have a need for the information in connection with their services. This would include medical or health personnel and alcohol or other drug abuse counselors.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

These records are stored in manual file folders.

**RETRIEVABILITY:**

These records are retrieved by the name of the individual to whom they pertain.

**SAFEGUARDS:**

Records are maintained in a locked file cabinet with access limited to authorized staff employees.

**RETENTION AND DISPOSAL:**

Records are destroyed six (6) years after last entry. (Suspended per GSA FPMR Bulletin B-112, August 5, 1981).

**SYSTEM MANAGER(S) AND ADDRESS:**

- For records maintained at the Office's Health Unit in Washington, DC, Chief, Division of Health Services, U.S. Department of Labor, 200 Constitution Avenue, NW., room S-3217, Washington, DC 20210.
- For records maintained at the 555 Griffin Square Building Health Unit in Dallas, Texas, Regional Administrator-OASAM.

**NOTIFICATION PROCEDURE:**

Individuals wishing to inquire whether this system of records contains information about them should contact the appropriate system manager indicated above. Individuals must furnish the following information for their records to be located and identified:

- Full name.
- Any former name, if applicable.
- Signature.

**RECORD ACCESS PROCEDURES:**

Individuals wishing to request access to records about them should contact the appropriate system manager indicated above. Individuals must furnish the following information for their records to be located and identified:

- Full name.
- Any former name, if applicable.
- Signature.

Individuals requesting access must also comply with the Office's Privacy Act regulations on verification of identity and access to records (5 CFR 297.201 and 297.203).

**CONTESTING RECORD PROCEDURES:**

Individuals wishing to request amendment of their records should contact the system manager indicated above. Individuals must furnish the

following information for their records to be located and identified:

- a. Full name.
- b. Any former name, if applicable.
- c. Signature.

Individuals requesting amendment must also comply with the Office's Privacy Act regulations on verification of identity and amendment of records (5 CFR 297.201 and 297.208).

#### RECORD SOURCE CATEGORIES:

- a. The individual to whom the information pertains.
- b. Laboratory reports and test results.
- c. Contract or Health Unit physicians and nurses who have examined, tested, or treated the individual.
- d. The individual's co-workers or supervisors.
- e. The individual's personal physician.
- f. Other Federal employee health units.

#### SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

#### DOL/OASAM-11

#### SYSTEM NAME:

Training Information System.

#### SECURITY CLASSIFICATION:

None.

#### SYSTEMS LOCATION:

A. Offices in Washington, DC: (1) Office of the Deputy Secretary, DOL Academy; and servicing personnel offices located in (2) OASAM, National Capital Service Center; (3) Office of the Solicitor; (4) Bureau of Labor Statistics; (5) Employment Standards Administration; (6) Employment and Training Administration; (7) Occupational Safety and Health Administration; (8) Mine Safety and Health Administration; (9) Office of the Inspector General; and B. OASAM Regional Personnel Offices.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DOL employees who participate in training.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Records of training received by individual employees for cost and no cost training.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 5 U.S.C. 4115, and FPM Chapter 410, subchapter 9, as supplemented by the Department's Manual Series Handbook 4-1, (July, 1979).

#### PURPOSE(S):

To maintain data needed in the preparation of regular reports to the Office of Personnel Management and the Office of Management and Budget.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To prepare statistical reports on training received for agencies and regions.

#### DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Not applicable.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

Manual files and computer system.

##### RETRIEVABILITY:

By employee's name, social security number and/or course number.

##### SAFEGUARDS:

Locked storage equipment and secure computer system.

##### RETENTION AND DISPOSAL:

Disposed of on separation or transfer of the employee.

##### SYSTEMS MANAGER(S) AND ADDRESS:

Director, DOL Academy; room C5515, 200 Constitution Avenue, NW., Washington, DC 20210.

##### NOTIFICATION PROCEDURE:

Any individual may inquire whether or not the system contains a record pertaining to her/him by contacting the System Manager.

##### RECORD ACCESS PROCEDURE:

As specified above in "Notification procedures".

##### CONTESTING RECORD PROCEDURES:

As specified above in "Notification procedures".

##### RECORD SOURCE CATEGORIES:

Training requests and follow-up evaluations of training received.

##### SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

#### DOL/OASAM-14

#### SYSTEM NAME:

Automated Position Control System.

#### SECURITY CLASSIFICATION:

None.

#### SYSTEM LOCATION:

A. Offices in Washington, DC:

1. Office of the Secretary of Labor, including:

a. Office of the Assistant Secretary for Administration and Management, (OASAM);

b. Office of the Solicitor of Labor;

c. Office of Public and International Affairs;

d. Bureau of International Labor Affairs;

e. Employees' Compensation Appeals Board;

f. Wage Appeals Board;

g. Benefits Review Board;

h. Office of Administrative Law Judges;

i. Pension Benefit Guaranty Corporation;

j. President's Committee on the Employment of People with Disabilities;

k. National Occupational Information Coordinating Committee;

l. National Commission for Employment Policy;

m. Veteran's Employment and Training Service.

2. Bureau of Labor Statistics;

3. Employment Standards Administration;

4. Office of Labor-Management Services;

5. Employment and Training Administration;

6. Occupational Safety and Health Administration;

7. Mine Safety and Health Administration;

8. Office of the Inspector General;

9. Pension and Welfare Benefits Administration;

10. Bureau of Labor Management Relations and Cooperative Programs.

B. Regional and Area Offices of the above.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Department of Labor employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Internal reports submitted to prepare the Departmental budget and employment reports. These reports include information such as job title, grade, location, name and social security number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. chapter 301.

PURPOSE:

To prepare the Departmental budget and employment reports.

# **ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Reports relate actual employment to monthly ceiling data and must be submitted by the 15th of each month to the Office of Personnel Management (OPM) and to the Office of Management and Budget (OMB). Employment data is shared with OMB and Congress as part of the budget submission process.

## **DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

## **POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

### **STORAGE:**

Manual files and computer records.

### **RETRIEVABILITY:**

By budget position number, grade and name.

### **SAFEGUARDS:**

Automated data has been password protected. Written employment data is in locked file cabinets.

### **RETENTION AND DISPOSAL:**

Destroy 1 year after the close of the FY.

### **SYSTEM MANAGER(S) AND ADDRESS:**

Heads of agencies or component units within their organizations who have custody of the records. (See the appropriate agency official in the attached listing in appendix I, and at 29 CFR 70a.4.)

### **NOTIFICATION PROCEDURE:**

Individuals wishing to inquire whether this system of records contains information about them should contact the system manager, the Office's regional office servicing the state where they are employed (see list of the Office's regional addresses in the appendix), or their employing agency's personnel office. Individuals must furnish the following information for their records to be located and identified:

- Full name.
- Date of birth.
- Social security number.
- Signature.

### **RECORD ACCESS PROCEDURES:**

Individuals wishing to request access to records should contact the appropriate office listed in the Notification Procedure section. Individuals must furnish the following information for their records to be located and identified:

- Full name.

- Date of birth.
- Social security number.
- Signature.

Individuals requesting access must also comply with the Office's Privacy Act regulations on verification of identity and access to records (5 CFR 297.201 and 297.203).

### **CONTESTING RECORD PROCEDURES:**

Individuals wishing to request amendment of their records should contact the appropriate office listed in the Notification Procedures section. Individuals must furnish the following information for their records to be located and identified:

- Full name.
- Date of birth.
- Social security number.
- Signature.

Individuals requesting amendment must also comply with the Office's Privacy Act regulations on verification of identity and amendment of records (5 CFR 297.201 and 297.208).

### **RECORD SOURCE CATEGORIES:**

Form DL-50, Notification of Personnel Action.

### **SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

### **DOL/OASAM-15**

#### **SYSTEM NAME:**

Travel and Transportation System

#### **SECURITY CLASSIFICATION:**

None

#### **SYSTEM LOCATION:**

A. Offices in Washington, DC:  
1. Office of the Secretary of Labor, including:  
a. Office of the Assistant Secretary for Administration and Management, (OASAM);  
b. Office of the Solicitor of Labor;  
c. Office of Public and International Affairs;  
d. Bureau of International Labor Affairs;  
e. Employees' Compensation Appeals Board;  
f. Wage Appeals Board;  
g. Benefits Review Board;  
h. Office of Administrative Law Judges;  
i. Pension Benefit Guaranty Corporation;  
j. President's Committee on the Employment of People with Disabilities;  
k. National Occupational Information Coordinating Committee;  
l. National Commission for Employment Policy;  
m. Veteran's Employment and Training Service.

- Bureau of Labor Statistics;
- Employment Standards Administration;
- Office of Labor-Management Services;
- Employment and Training Administration;
- Occupational Safety and Health Administration;
- Mine Safety and Health Administration;
- Office of the Inspector General;
- Pension and Welfare Benefits Administration;
- Bureau of Labor Management Relations and Cooperative Programs.
- Regional and Area Offices of the above.

### **CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All individuals who travel in an official capacity for the Department of Labor.

### **CATEGORIES OF RECORDS IN THE SYSTEM:**

Various records are created and maintained in support of official travel. The forms or succeeding forms may include the following:  
DL 1-33..... Travel authorization.  
SF 1038..... Advance of funds application and account.  
SF 1012..... Travel voucher.  
DL 1-2014..... Request and authorization for exception from standard contract terms for city-pair service.  
DL 1-289..... Request for approval of CSA vehicle option or exemption.  
DL 1-473..... Employment agreement for transfers within the continental U.S.  
DL 1-474..... Employment agreement for persons assigned to posts outside the continental U.S.  
DL-1-2030..... Estimated PCS travel and transportation data for travel authorization.  
DL-1-2031..... Claim form for payment of relocation income tax allowance.  
DL-1-2032..... Covered taxable reimbursements.  
DL-1-2033R..... Withholding tax allowance, summary of transactions, withholding of taxes, and W-2 reporting.  
DL 1-472..... Employee application for reimbursement of expenses incurred in sale or purchase (or both) of residence upon change of official station.  
SF 1164..... Claim for reimbursement for expenditures on official business.  
DL 1-101..... Training authorization and evaluation form.

- DL 1-478..... Administrative exception to travel claim.  
 DL 1-423..... Expense record for temporary quarters.  
 SF 1169..... Government transportation request.

As a result of travel, individuals may become indebted to the Government. Records used to cure these claims include: commercial credit reports, information or records relating to the debtor's current whereabouts, assets, liabilities, income and expenses, debtor's personal financial statements, and other information such as the nature, amount and history of the debt, and other records and reports relating to the implementation of the Debt Collection Act of 1982, including any investigative reports or administrative review matters.

In order to travel, individuals may avail themselves of charge cards provided by Government contract. Besides the application for such cards, records created include transaction, payment and account status data.

Travel arrangement services are also available by Government contract. Records include traveler's profile containing name of individual, social security number, home and office telephones, agency's name, address, and telephone number, air travel preference, rental car identification number and preference of car, hotel preference, current passport and/or visa number, personal credit card numbers, and additional information; travel authorization; and monthly reports from travel agent(s) showing charges to individuals, balances, and other types of account analyses. Permanent change of station travel arrangements may include information about real estate and movement of household goods.

Vendors and contractors provide to the Department itemized statements of invoices, and reports of transactions including refunds and adjustments to enable audits of charges to the Government.

#### **AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

41 CFR Part 101-7 (Federal Travel Regulations); interpret or apply 31 U.S.C. 3511, 3512, and 3523; 31 U.S.C. 3711 et seq (Debt Collection Act of 1982); section 206 of Executive Order 11222 (May 8, 1965); 5 CFR 735.207 (Office of Personnel Management Regulations).

#### **PURPOSE:**

To facilitate performance of official Government travel by documenting the authorization of travel; payment of advances; payment of claims, invoices, vouchers, judgments, debts created by advance payments and overpayments;

provision and use of government contractor-issued charge cards; and to make travel arrangements.

Data received from a charge card company under government contract will be used to perform responsibilities under section 206 of Executive Order 11222 (May 8, 1965) and 5 CFR 735.207 (Office of Personnel Management Regulations) concerning requirements for employees to pay their just financial obligations in a proper and timely manner. Reports will also be monitored to insure that the charge cards are used only in the course of official travel as required by the contract. Data will also be analyzed to permit more efficient and cost effective travel planning and management, including negotiated costs of transportation, lodging, subsistence and related services.

#### **ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

A. Transmittal of data to the U.S. Treasury to effect issuance of checks to payees.

B. Pursuant to section 13 of the Debt Collection Act of 1982, the name, address(es), telephone number(s), social security number, and nature, amount and history of the debts of an individual whose travel is handled by DOL may be disclosed to private debt collection agencies for the purpose of collecting or compromising a debt existing in this system.

C. Information may be forwarded to the Department of Justice as prescribed in the Joint Federal Claims Collection Standards (4 CFR chapter II). When debtors fail to make payment through normal collection routines, the files are analyzed to determine the feasibility of enforced collection by referring the cases to the Department of Justice for litigation.

D. Pursuant to sections 5 and 10 of the Debt Collection Act of 1982, information relating to the implementation of the Debt Collection Act of 1982 may be disclosed to other Federal Agencies to effect salary or administrative offsets, or for other purposes connected with the collection of debts owed to the United States.

E. A record from this system may be disclosed to a Federal Agency in response to its request in connection with the hiring/retention of an employee, the letting of a contract, or the issuance of a grant, license, or other benefit by the requesting agency, to the extent that the information is relevant to the requesting agency's decision on the matter.

F. Information contained in the system of records may be disclosed to the

Internal Revenue Service to obtain taxpayer mailing addresses for the purpose of locating such taxpayer to collect, compromise, or write off a Federal claim against the taxpayer.

G. Information may be disclosed to the Internal Revenue Service concerning the discharge of an indebtedness owed by an individual, or other taxable benefits received by the employee.

H. Information will be disclosed:

1. To a Federal, State, local, or foreign agency responsible for investigating, prosecuting, enforcing, or carrying out a statute, rule regulation, or order, where there is a suspected violation of civil or criminal law.

2. To another Federal agency or a court when the Government is party to a judicial proceeding.

3. To credit card companies for billing purposes.

4. To Departmental and other Federal agencies such as GSA for travel management purposes.

5. To airlines, hotels, car rentals companies and other travel related companies for the purpose of serving the traveler. This information will generally include the name, phone number, addresses, charge card information and itineraries.

#### **DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

The amount, status, and history of overdue debts; the name and address, taxpayer identification number (SSN), and other information necessary to establish the identity of a debtor, the agency and program under which the claim arose, are disclosed pursuant to 5 U.S.C. 552a(b)(12) to consumer reporting agencies as defined by section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f)), in accordance with section 3(d)(4)(A)(ii) of the Federal Claims Collection Act of 1966, as amended (31 U.S.C. 3711(f)) for the purpose of encouraging the repayment of an overdue debt.

**Note:** Debts incurred by use of the official travel charge card are personal and the charge card company may report account information to credit collection and reporting agencies.

#### **POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

##### **STORAGE:**

Paper records in file cabinets. Computer records within a computer and attached equipment.

##### **RETRIEVABILITY:**

Filed by name and/or social security number of traveler at each location.

**SAFEGUARDS:**

Records stored in lockable file cabinets or secured rooms. Computerized records protected by password system. Information released only to authorized officials on a need-to-know basis.

**RETENTION AND DISPOSAL:**

Records are held for 3 years or until audit whichever is sooner and then destroyed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Comptroller, Office of the Comptroller, OASAM, Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210.

**NOTIFICATION PROCEDURE:**

Inquiries from individuals should be addressed to the appropriate agency's administrative office for which they traveled.

**RECORDS ACCESS PROCEDURES:**

Requests from individuals should be addressed to the appropriate Department of Labor agency's administrative office for which they traveled. Individuals must furnish their full name and the authorizing agency component for their records to be located and identified.

**CONTESTING RECORD PROCEDURES:**

Individuals wishing to request amendment of their records should contact the appropriate Department of Labor administrative office of which they traveled. Individuals must furnish their full name and the name of the authorizing agency, including duty station where they were employed when traveling if applicable.

**RECORD SOURCE CATEGORIES:**

Individuals, employees, other Federal agencies, consumer reporting agencies, credit card companies, government contractors, state and local law enforcement.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**DOL/OASAM-17****SYSTEM NAME:**

Equal Employment Opportunity Complaint Files.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Directorate of Civil Rights, OASAM, U.S. Department of Labor, room N-4123, 200 Constitution Avenue, NW., Washington, DC 20210.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals, classes of individuals, or representatives designated to act on behalf of employees, former employees, or applicants of the Department who have consulted with an EEO Counselor and/or who have filed a formal complaint alleging discrimination on the basis of race, color, religion, sex, national origin, physical or mental handicap, and/or age because of a determination, decision, action, or the nonaction administered against them by a departmental official, and individuals alleging reprisal for having previously participated in the EEO process.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Information and/or documents pertaining to pre-complaint processing, informal resolutions, formal allegations of discrimination, and investigations of complaints of discrimination. These records contain complainant's names, addresses, job titles and descriptions, dates of employment; agencies involved; counselor's reports; initial and supplemental allegations; letters and notices to individuals and organizations involved in the processing of the complaint; materials placed into the record to support or refute the alleged decisions; determinations, or actions taken; statements of witnesses; related correspondence; investigative reports, instructions on actions to be taken in order to comply with the provisions of a decision, opinions, recommendations, settlement agreements, proposed and final decisions.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Executive Order 11478; Secretary's Order 3-83; Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e; the Equal Pay Act, 29 U.S.C. 206(d); the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 621; the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794; the Civil Service Reform Act of 1978, 5 U.S.C. 1101; and 29 CFR part 1613.

**PURPOSE(S):**

These records are used to process, investigate and resolve discrimination complaints within the Department.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

The records in the complaint file are classified in three categories: Correspondence file, investigative file, and transcripts. Records may be disclosed:

(1) To a designated representative(s) of the complainant when appropriate

and to the extent necessary to process, investigate, resolve, or adjudicate a complaint. Disclosure of memoranda to the file and intra-agency memoranda is discretionary.

(2) To the responding official (RO) consistent with the instructions in EEOC's Complaint Processing Manual which provides that during the investigative process the responding official shall have access to documents in the correspondence file and the investigative file in which the official is identified and charged with discrimination or other wrong-doing. Names of and identifying information on persons other than the complainant and the RO should be deleted from copies of the documents shown to the RO. If the Department issues a final decision on the complaint rejecting the complainant's allegations against the RO, the RO does not have access to the entire complaint file. If the Department's decision concludes or implies impropriety on the part of the RO, the entire complaint file, with names and identifying information deleted where appropriate, must be made available to the RO. If the Department takes or proposes adverse action or other disciplinary action against the RO, the entire complaint file, without deletions, must be made available for his or her review.

(3) To Federal agencies with jurisdiction over a complaint, including the Equal Employment Opportunity Commission, the office of Personnel Management, the Merit Systems Protection Board, the Office of Special Counsel, and the Federal Labor Relations Authority, for investigatory, conciliation or enforcement purposes.

(4) To the Department of Justice for the purpose of obtaining advice regarding the disclosability of particular records pursuant to a Freedom of Information Act request.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Records are maintained in manual and automated files.

**RETRIEVABILITY:**

Manual files are indexed by complainant's name and by the office case number. Automated files are retrieved by: Office case number; complainant's name, fiscal year; current status of complaint; region code; issue

code; basis code; agency code; class action; relief code; EOS identification; Investigator identification.

#### SAFEGUARDS:

Access to the Department of Labor and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals who have obtained special permission. Manual records are maintained in secured file cabinets or in restricted areas, access to which is limited to authorized personnel. Automated files are controlled by means of identification numbers and passwords known only to the employees of the Directorate of Civil Rights who are authorized to have access to such files. Statistical information from these records may be made available to departmental officials, other agencies, and to the public without the persons to whom the records pertain being identified.

#### RETENTION AND DISPOSAL:

Records are retained for a period of four years after the final disposition of a complaint. A permanent alphabetical record is kept of complaints by name of the complainant, giving the basis of the complaint, the matter giving rise to the complaint, and the disposition.

#### SYSTEM MANAGER(S) AND ADDRESS:

Director, Directorate of Civil Rights, OASAM, U.S. Department of Labor, 200 Constitution Avenue, NW., room N-4123, Washington, DC 20210.

#### NOTIFICATION PROCEDURE:

Individuals or organizations designated to act on behalf of individuals may write the system manager indicated above regarding the existence of records pertaining to them pursuant to 29 CFR part 70a. The inquirers should provide, as appropriate, their full name, the name of the employing agency and/or the agency in which the situation arose, if different than the employing agency, approximate date of filing complaint, region of complaint, last known status of complaint, office case number, the kind(s) of action(s) taken against them, and a notarized signature, or a notarized letter of consent when a person requests access on behalf of the individual who is the subject of the file.

#### RECORD ACCESS PROCEDURES:

Individuals or organizations designated to act on behalf of an individual wishing to gain access to records covered by the Privacy Act, shall follow the guidelines prescribed by 29 CFR part 70a, summarized here under "Notification procedures."

#### CONTESTING RECORD PROCEDURES:

Individuals wishing to contest information in their files may, pursuant to 29 CFR 70a.7, write the system manager at the specified address above, reasonably identifying the record pertaining to them, the information which is being contested in that record, the corrective action(s) being sought, and the reasons for the correction(s).

#### RECORD SOURCE CATEGORIES:

Individual to whom the record pertains; official documents relating to the processing of a complaint, the informal and formal allegations, appeals of departmental decisions; and respondent agency officials, employees, and other witnesses.

#### SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Under the specific exemption provided by 5 U.S.C. 552a(K) (2), this system of records is exempted from the following provisions of the Privacy Act: (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (F). Information from the complaint file may be denied in anticipation of a civil action or proceeding, in instances where premature release of documents could hamper the decision-making process, where the release of personal information about another employee may result in an invasion of personal privacy, and where release of confidential statements could lead to intimidation of harassment of witnesses and impair future investigations by making it more difficult to collect similar information. Personal information about other employees that are contained in the complainant's file because of its use as comparative data such as: medical records, place and date of birth, age, marital status, home address and telephone numbers, the substance of promotion recommendations, supervisory assessments of professional conduct and ability, may be denied to the subject when it could cause embarrassment and/or harassment to the other employees.

#### DOL/OASAM-19

#### SYSTEM NAME:

Negotiated Grievance Procedure and Unfair Labor Practice Files.

#### SECURITY CLASSIFICATION:

None.

#### SYSTEM LOCATION:

A. Offices in Washington, DC: (1) Office of Employee and Labor-Management Relations (OASAM); (2) Office of the Solicitor; (3) Bureau of Labor Statistics; (4) Employment Standards Administration; (5)

Employment and Training Administration; (6) Labor-Management Services Administration; (7) Occupational Safety and Health Administration; (8) Mine Safety and Health Administration; (9) National Capitol Service Center; and B. OASAM Regional Personnel Offices.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DOL employees who have filed grievances under negotiated grievance procedures, and DOL employees who have filed unfair labor practices charges against the Department.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains a variety of records relating to an employee grievance filed under procedures established by labor-management negotiations and unfair labor practice charges filed under the Federal Service Labor-Management Relations Statute. The Records may include information such as: Employee's name, grade, job title, employment history, arbitrator's decision or report, record of appeal to the Federal Labor Relations Authority, and a variety of employment and personnel records associated with the grievance or charge.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 7121 of 5 U.S. Code for grievances, section 7116 of 5 U.S. Code for unfair labor practices, Federal Service Labor-Management Relations Statute and related amendments of 5 U.S. Code 5596(b) for back pay.

#### PURPOSE:

These records are used to process an employee's grievance filed under a negotiated grievance procedure or an unfair labor practice charge filed by an employee or union.

#### ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Selected information may be disclosed at appropriate stages of the grievance process to the Office of Personnel Management, arbitrators, the Merit System Protection Board, or the Federal Labor Relations Authority.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

#### STORAGE:

Manual file.

#### RETRIEVABILITY:

By name and/or case file number.

**SAFEGUARDS:**

Locked room.

**RETENTION AND DISPOSAL:**

Records are destroyed 3 years after all administrative remedies have been exhausted.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Office of Employee and Labor-Management Relations, U.S. Department of Labor, room N-5476, 200 Constitution Ave., NW., Washington, DC 20210.

**NOTIFICATION PROCEDURES:**

Contact system manager at above address.

**RECORD ACCESS PROCEDURE:**

Contact system manager at above address.

**CONTESTING RECORD PROCEDURE:**

Contact system manager at above address.

**RECORD SOURCE CATEGORIES:**

Employee grievances and charges, employee/supervisor interviews, investigative and employment records, and finding of arbitrators and other tribunals.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Under the specific exemption authority provided by 5 U.S.C. 552a(k)(2), this system is exempt from the following provisions of the Privacy Act: 5 U.S.C. 552a(c), 3, (d), (e) (1), (4)(G), (H), (I), and (f) of the Act. Disclosure of information could enable the subject of the record to take action to escape prosecution and could avail the subject greater access to information than that already provided under rules of discovery. In addition, disclosure of information might lead to intimidation of witnesses, informants, or their families, and impair future investigations by making it more difficult to collect similar information.

**DOL/OASAM-20****SYSTEM NAME:**

Personnel Investigation Records.

**SECURITY CLASSIFICATION:**

None for the system. However, items or records within the system may have national defense/foreign policy classifications up through secret.

**SYSTEM LOCATION:**

Personnel Security Unit, Office of Executive Personnel Management (OASAM), U.S. Department of Labor, room C-5331, 200 Constitution Avenue, NW., Washington, DC 20210.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

- a. Current and former employees or applicants for employment in the Department.
- b. Individuals considered for access to classified information or restricted areas and/or security determinations as contractors, experts, instructors, and consultants to Departmental programs.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Investigative files and investigative index card files which pertain to clearance investigations for Federal employment. These records contain investigative information regarding an individual's character, conduct, and behavior in the community where he or she lives or lived; arrests and convictions for violations against the law; reports of interviews with present and former supervisors, coworkers, associates, educators, etc; reports about the qualifications of an individual for a specific position and files and index cards relating to adjudication matters; reports of inquiries with law enforcement agencies, employers, educational institutions attended; reports of action after OPM or FBI section 8(d) Full Field Investigation; Notices of Security Investigation; and other information developed from the above.

Note: This system does not apply to records of a personnel investigative nature that are part of the Office of Personnel Management's (OPM) Privacy Act System OPM/CENTRAL-9, Personnel Investigation Records. Access to or amendment of such records must be obtained from OPM.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Executive Order 10450.

**PURPOSE(S):**

- The purposes of this system are:
- a. To provide investigatory information for determination concerning compliance with Federal personnel regulations and for individual personnel determinations including suitability and fitness for Federal employment, access and security clearances, evaluations of qualifications, loyalty to the U.S. and evaluations of qualifications and suitability for performance of contractual services for the U.S. Government;
  - b. To document such determinations;
  - c. To provide information necessary for the scheduling and conduct of the required investigations;
  - d. To otherwise comply with mandates and Executive order; and

e. These records may also be used to locate individuals for personnel research.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in these records may be used in disclosing information:

- a. To designated officers and employees of agencies, offices, and other establishments in the executive, legislative, and judicial branches of the Federal Government, and the District of Columbia Government, when such agency, office, or establishment conducts an investigation of the individual for the purpose of granting a security clearance, or for the purpose of making a determination of qualifications, suitability, or loyalty to the United States Government, or access to classified information or restricted areas.
- b. To designated officers and employees of agencies, offices, and other establishments in the executive, legislative, and judicial branches of the Federal Government, and the District of Columbia Government, having the responsibility to grant clearances to make a determination regarding access to classified information or restricted areas, or to evaluate qualifications, suitability, or loyalty to the United States Government, in connection with performance of a service to the Federal Government under a contract or other agreement.
- c. To the intelligence agencies of the Department of Defense, the National Security Agency, the Central Intelligence Agency, and the Federal Bureau of Investigation for use in intelligence activities.
- d. To any source from which information is requested in the course of an investigation, to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation, and to identify the type of information requested.
- e. To Federal agencies as a data source for management information through the production of summary descriptive statistics and analytical studies in support of the functions for which the records are maintained or for related studies.
- f. To disclose information to officials of the Merit Systems Protection Board, including the Office of the Special Counsel, when requested in connection with appeals, special studies of the civil service and other merit systems, review of office rules and regulations, investigations of alleged or possible

prohibited personnel practices, and such other functions, e.g., as promulgated in 5 U.S.C. 1205 and 1206, or as may be authorized by law.

g. To disclose information to the Equal Employment Opportunity Commission when requested in connection with investigations into alleged or possible discrimination practices in the Federal sector, examination of Federal affirmative employment programs, compliance by Federal agencies with the Uniform Guidelines on Employee Selection Procedures, or other functions vested in the Commission by the President's Reorganization Plan No. 1 of 1978.

h. To disclose information to the Federal Labor Relations Authority or its General Counsel when requested in connection with investigations of allegations of unfair labor practices or matters before the Federal Service Impasses Panel.

#### DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Not applicable.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ASSESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

Records are maintained in file folders and on index cards.

##### RETRIEVABILITY:

Records are received by the name of the individual on whom they are maintained.

##### SAFEGUARDS:

Folders are maintained in file cabinets secured by three position combination locks. The index to the system and those records which are maintained on index cards are contained in covered and locked rotary Wheelindex machines. All employees are required to have an appropriate security clearance before they are allowed access to the records.

##### RETENTION AND DISPOSAL:

a. Index cards which show the scheduling or completion of an investigation, and investigative files, if any, are retained for 2 years, plus the current year from the date of the most recent investigative activity. Other index cards which show no investigative record other than the completion of a clear National Agency Check or a clear National Agency Check and Inquiry, and where no investigative file folder exists, are retained for two years plus the current year.

b. Reports of action after OPM or FBI section 8(d) background investigation are retained for the life of the investigative file.

c. Notices of Security Investigations are retained for 20 years. All records are destroyed by burning.

#### SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Executive Personnel Management, OASAM, U.S. Department of Labor, room C-5331, 200 Constitution Avenue NW., Washington, DC 20210.

#### NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system contains information about them should contact the system manager in writing. Individuals must furnish the following information for their records to be located and identified:

- Full name
- Date of birth
- Social Security Number
- Signature
- Any available information regarding the type of record involved
- The category of covered individuals under which the requester believes he or she fits

#### RECORD ACCESS PROCEDURES:

Specific materials in this system have been exempted from Privacy Act provisions at 5 U.S.C. 552 a(c)(3) and (d), regarding access to records. The section of this notice titled Systems exempted from certain provisions of the Act, which appears below, indicates the kinds of material exempted and the reasons for exempting them from access. Individuals wishing to request access to their records should contact the system manager in writing. Individuals must furnish the following information for their records to be located and identified:

- Full name
- Date of birth
- Social Security Number
- Signature
- Any available information regarding the type of record involved
- The category of covered individuals under which the requester believes he or she fits

#### CONTESTING RECORD PROCEDURES:

Specific materials in this system have been exempted from Privacy Act provisions at 5 U.S.C. 552a(d), regarding amendment to records.

The section of this notice titled Systems exempted from certain provisions of the Act, which appears below, indicates the kinds of material exempted and the reasons for exempting them from amendment. Individuals wishing to request amendment to their non-exempt records should contact the system manager in writing. Individuals

must furnish the following information for their records to be located and identified:

- Full name
- Date of birth
- Social Security Number
- Signature
- Any available information regarding the type of record involved
- The category of covered individuals under which the requester believes he or she fits

#### RECORD SOURCE CATEGORIES:

Information contained in the system was obtained from the following categories of sources:

- Applications and other personnel and security forms furnished by the individual
- Investigative and other record material furnished by Federal agencies
- Notices of personnel actions furnished by Federal agencies
- By personal investigation or written inquiry from sources such as employers, educational institutions, references, neighbors, associates, police departments, courts, credit bureaus, medical records, probation officials, prison officials, newspapers, magazines, periodicals, and other publications

#### SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system may contain the following types of information:

- Properly classified information, obtained from another Federal agency during the course of a personnel investigation, which pertains to national defense and foreign policy. The Privacy Act, at 5 U.S.C. 552a(k)(1), permits an agency to exempt such materials from certain provisions of the Act.
- Investigatory material compiled for law enforcement purposes in connection with the administration of the merit system. The Privacy Act, at U.S.C. 552a(k)(2), permits an agency to exempt such material from certain provisions of the Act. Application of exemption (k)(2) may be necessary to preclude the data subject's access to and amendment of the record.
- Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment. The Privacy Act, at 5 U.S.C. 552a(k)(5), permits an agency to exempt such material from certain provisions of the Act. Materials may be exempted to the extent that release of the material to the individual whom the information is about would:

1. Reveal the identity of a source who furnished information to the

Government under an express promise (granted on or after September 27, 1975) that the identity of the source would be in confidence; or

2. Reveal the identity of a source who, prior to September 27, 1975, furnished information to the Government under an implied promise that the identity of the source would be held in confidence.

#### **DOL/OASAM-22**

#### **SYSTEM NAME:**

Directorate of Civil Rights  
Discrimination Complaint Case Files.

#### **SECURITY CLASSIFICATION:**

None.

#### **SYSTEM LOCATION:**

Directorate of Civil Rights, OASAM,  
U.S. Department of Labor, room N-4123,  
200 Constitution Avenue, NW.,  
Washington, DC 20210.

#### **CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals or classes filing complaints under Title VI of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972, as amended; section 504 of the Rehabilitation Act of 1973, as amended; the Age Discrimination Act of 1975, as amended; and section 167 of the Job Training Partnership Act of 1982, as amended, alleging discrimination on the basis of race, color, national origin, age, handicap, sex, religion, citizenship, or political affiliation or belief, or retaliation for having filed a discrimination complaint, furnishing information, or assisting or participating in any manner in an investigation, hearing or any other activity related to the administration of Federal law requiring equal opportunity.

#### **CATEGORIES OF RECORDS IN THE SYSTEM:**

Investigative records which may include, but is not limited to: materials such as complainants' statements of alleged discrimination, respondents' statements, witnesses' statements, names and addresses of complainants and respondents, personal, employment or program participation information, medical records, conciliation and settlement agreements, related correspondence, and initial and final determinations.

#### **AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d to 2000d-4; section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794; the Age Discrimination Act of 1975, 42 U.S.C. 6102; Title IX of the Education

Amendments of 1972, 20 U.S.C. 1681; and the Job Training Partnership Act of 1982, as amended, 29 U.S.C. 1577; 29 CFR parts 31 and 32; and section 5(3) of Secretary's Order 2-81.

#### **PURPOSE(S):**

These records are used to initiate a complaint with, or to investigate and resolve discrimination complaints filed with the Department of Labor against recipients of financial assistance from the Department.

#### **ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Records may be disclosed:

(1) To the Equal Employment Opportunity Commission, Department of Justice, Federal Mediation and Conciliation Service, and the Department's Offices of the Solicitor and Administrative Law Judges, when relevant to matters within the jurisdiction of those agencies over a complaint, for investigatory, conciliation, enforcement, or litigation purposes.

(2) To organizations which are recipients of Federal financial assistance and against whom complaints are filed to the extent necessary to effectively represent themselves, provided that the privacy of persons not a party to the dispute is protected.

(3) To the Equal Employment Opportunity Commission, the Department of Justice, the Department of Health and Human Services, and other Federal entities having responsibility for processing and resolving complaints, coordinating civil rights activities and/or preparing reports to Congress.

#### **DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

#### **POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

##### **STORAGE:**

These records are maintained in manual and automated files.

##### **RETRIEVABILITY:**

These records are retrieved by various combination of office case number, complainant's name, fiscal year, current status of complaint, state, basis code, and program code.

##### **SAFEGUARDS:**

Access to the Department of Labor and its annexes is controlled by security guards, and admission is limited to individuals possessing a valid

identification card or individuals who have obtained special permission. Manual records are maintained in secured file cabinets or in restricted areas, access to which is limited to authorized personnel. Automated files are controlled by means of identification numbers and passwords known only to the employees of the Directorate of Civil Rights who are authorized to have access to such files. Statistical information from these records may be made available to departmental officials, other agencies, and to the public without the persons to whom the records pertain being identified.

#### **RETENTION AND DISPOSAL:**

Manual records are retained for a period of three years after the final disposition of a complaint. They are then retired to the Federal Records Center for two additional years, and then destroyed. Complaints are maintained in the automated file for two years, after which they are stored on disc or tape for three additional years.

#### **SYSTEM MANAGER(S) AND ADDRESS:**

Director, Directorate of Civil Rights,  
U.S. Department of Labor, 200  
Constitution Avenue NW., room N-4123,  
Washington, DC 20210.

#### **NOTIFICATION PROCEDURE:**

Pursuant to 29 CFR part 70a individuals requesting information or assistance, or making inquiries regarding the existence of records pertaining to them should write the system manager at the address above. Inquiries should include the name of the inquirer, complaint case number, approximate date of filing, if the case number is unknown, name of respondent, last known status of the complaint, and signature. When a request is submitted by mail, the signature of the requester shall be notarized.

#### **RECORD ACCESS PROCEDURE:**

An individual or organization representing an individual(s), wishing to gain access to records covered by the Privacy Act shall follow the guidelines set forth under notification procedures summarized above and Departmental regulations at 29 CFR part 70a.

#### **CONTESTING RECORD PROCEDURES:**

Individuals wishing to contest information in their files may, pursuant to 29 CFR 70a.7, write the system manager at the specified address above, reasonably identifying the record pertaining to them, the information

which is being contested in that record, the corrective action(s) being sought, and the reason(s) for the correction(s).

#### RECORD SOURCE CATEGORIES:

Individual complainants and witnesses of the complainants; respondent officials, employees, and witnesses; interrogatories; recipient files and records; and physician's and other medical service provider's records.

#### SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Under the specific exemption provided by 5 U.S.C. 552a(k)(2), this system of records is exempted from the following provisions of the Privacy Act: (c)(3); (d); (e)(1), (e)(4) (G), (H), and (I) and (f). The disclosure of information contained in these files may in some circumstances tend to discourage persons who have knowledge of facts and circumstances pertinent to charges from giving statements or cooperating with investigations. Disclosure of information might lead to intimidation of witnesses, informants, or their families, and impair future investigations by making it more difficult to collect similar information. In addition, disclosure of medical records contained in these files may adversely affect the health of individuals without guidance of a responsible physician.

#### DOL/OASAM-23

##### SYSTEM NAME:

Contracted Travel Service Program.

##### SECURITY CLASSIFICATION:

Unclassified.

##### SYSTEM LOCATION:

This system of records is located in the travel agency under contract with a Federal agency and in the administrative offices of Department of Labor agencies. The office in Washington, DC is the Office of the Assistant Secretary for Administration and Management, (OASAM) and in the Regions are OASAM Regional Offices.

##### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals for whom travel is being arranged by the contractor.

##### CATEGORIES OF RECORDS IN THE SYSTEM:

Records include traveler's profile which contains name of individual, social security number, home and office telephones, agency's name, address, and telephone number, air travel preference, rental car identification number and preference of car, hotel preference, current passport and/or visa number, personal credit card numbers, and additional information; travel

authorization; and monthly reports from travel agent(s) showing charges to individuals, balances, and other types of account analyses.

##### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 711; interpret or apply 31 U.S.C. 3511, 3512, and 3523.

##### PURPOSE:

To assemble in one system information to enable travel agents who are under contract to the Federal Government to issue and account for travel provided to individuals.

##### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

- To disclose information to a Federal, State, local, or foreign agency responsible for investigating, prosecuting, enforcing, or carrying out a statute, rule regulation, or order, where the agencies become aware of a violation or potential violation of civil or criminal law or regulation.
- To disclose information to another Federal agency or a court when the Government is party to a judicial proceeding.
- To disclose information to a credit card company for billing purposes.
- To disclose information to a Federal agency for accumulating reporting data and monitoring the system.
- To disclose information to the agency by the contractor in the form of itemized statements of invoices, and reports of all transactions including refunds and adjustments to enable audits of charges to the Government.
- To disclose information credit card, phone numbers, addresses, etc.) to airlines, hotels, car rentals companies and other travel affiliated companies for the purpose of serving the client.
- To disclose personal credit card information to hotels and car rental companies for the purpose of guaranteeing reservations.

##### DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

##### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

Paper records in file cabinets. Computer records within a computer and attached equipment.

##### RETRIEVABILITY:

Filed by name and/or social security number of traveler at each location.

##### SAFEGUARDS:

Records stored in lockable file cabinets or secured rooms. Computerized records protected by password system. Information released only to authorized officials on a need-to-know basis.

##### RETENTION AND DISPOSAL:

Records kept by the Federal agency are held for 3 years and then destroyed. Records kept by the travel agency are held and destroyed no longer than 3 years.

##### SYSTEM MANAGER(S) AND ADDRESS:

Comptroller, Office of the Comptroller, OASAM, Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

##### NOTIFICATION PROCEDURE:

Inquiries from individuals should be addressed to the appropriate agency's administrative office for which they traveled.

##### RECORDS ACCESS PROCEDURES:

Requests from individuals should be addressed to the appropriate Department of Labor agency's administrative office for which they traveled. Individuals must furnish their full name and the authorizing agency component for their records to be located and identified.

##### CONTESTING RECORD PROCEDURES:

Individuals wishing to request amendment of their records should contact the appropriate Department of Labor administrative office for which they traveled. Individuals must furnish their full name and the name of the authorizing agency, including duty station where they were employed when traveling if applicable.

##### RECORD SOURCE CATEGORIES:

Individuals, employees, travel authorization, credit card companies.

##### EXEMPTION FROM CERTAIN PROVISIONS OF THE ACT:

None.

#### DOL/OASAM-24

##### SYSTEM NAME:

Privacy Act/Freedom of Information Act Requests Files Systems.

##### SECURITY CLASSIFICATION:

None.

##### SYSTEM LOCATION:

A. Offices in Washington, DC, (1) Office of the Secretary of Labor, including (a) Office of the Assistant Secretary for Administration and

Management, (b) Office of the Solicitor of Labor, (c) Office of Public and Intergovernmental Affairs, (d) Office of Small and Disadvantaged Business Utilization, (e) Bureau of International Labor Affairs, (f) Employees' Compensation Appeals Board, (g) Wage Appeals Board, (h) Benefits Review Board, and (i) Office of Administrative Law Judges; (2) Office of Pension and Welfare Benefits Administration; (3) Office of Labor-Management Standards; (4) Bureau of Labor-Management Relations and Cooperative Programs; (5) Bureau of Labor Statistics; (6) Employment and Training Administration; (7) Employment Standards Administration; (8) Occupational Safety and Health Administration; (9) Mine Safety and Health Administration; (10) Office of the Inspector General; (11) Office of Veterans Employment and Training Services.

B. Regional Offices of the above.

#### **CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals who have submitted Privacy Act and Freedom Of Information Act requests under (5 U.S.C. 552a and 552).

#### **CATEGORIES OF RECORDS IN THE SYSTEM:**

This system contains records of requests, responses, and related documents for:

- (a) Information under the provisions of the FOI Act (5 U.S.C. 552); and
- (b) Information under provisions of the Privacy Act (5 U.S.C. 552a) for:
  - (1) Notification of the existence of records about them;
  - (2) Access to records about them;
  - (3) Amendment of records about them;
  - (4) Review of initial denials of such requests for notification, access, or amendment; and
  - (5) Requests for an accounting of disclosure of records about them.

#### **AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

The Privacy Act of 1974 (5 U.S.C. 552a); the Freedom of Information Act (5 U.S.C. 552); and 5 U.S.C. 301.

#### **PURPOSES:**

This system of records is maintained for various reasons as follows:

- a. To process individual's requests made under the Privacy Act and the Freedom of Information Act.
- b. To provide a record of communication between the requester and the agency.
- c. To ensure that all relevant, necessary, and accurate data are available to support any process for appeal.

d. To provide a legal document to support any process for appeal.

e. To prepare the annual reports to OMB and Congress as required by the Privacy and Freedom of Information Acts.

#### **ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records, and information in these records, may be used: a. To disclose information to the Office of Management and Budget at any state in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A-19.

b. To disclose information to Federal agencies (e.g., Department of Justice) in order to obtain advice and recommendations concerning matters on which the agency has specialized experience or particular competence, for use by the Office in making required determinations under the Freedom of Information Act or the Privacy Act of 1974.

c. To disclose information to any source from which additional information is requested (to the extent necessary to identify the individual, inform the source of the purpose of the request, and to identify the type of information requested), where necessary to obtain information relevant to an Office decision concerning a Privacy or Freedom of Information Act request.

d. To disclose information to another Federal agency, to a court, or a party in litigation before a court or in an administrative proceeding being conducted by a Federal agency, either when the Government is a party to a judicial proceeding or in order to comply with the issuance of a subpoena.

e. To disclose, in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

f. To disclose information to officials of the Merit Systems Protection Board, including the Office of the Special Counsel, when requested in connection with appeals, special studies of the civil service and other merit systems, review of Office rules and regulations, investigations of alleged or possible prohibited personnel practices, and such other functions, e.g., as prescribed in 5 U.S.C. 1205 and 1206, or as may be authorized by law.

g. To disclose information to the Equal Employment Opportunity Commission when requested in connection with investigations into alleged or possible discrimination complaints in the Federal sector, examination of Federal

Affirmative employment programs, compliance by Federal agencies with the Uniform Guidelines on Employee Selection Procedures, or other functions vested in the Commission by the President's Reorganization Plan No. 1 of 1978.

h. To disclose information to the Federal Labor Relations Authority or its General Counsel when requested in connection with investigations of allegations of unfair labor practices or matters before the Federal Service Impasses Panel.

#### **DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

#### **POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

##### **STORAGE:**

These records are maintained in file folders.

##### **RETRIEVABILITY:**

These records are retrieved by name of individual making request and by date of request.

##### **SAFEGUARDS:**

These records are located in lockable metal filing cabinets with access limited to personnel whose duties require access.

##### **RETENTION AND DISPOSAL:**

Destroyed two years after response date if no denial was involved. Destroyed five years after response date if denial of records was involved.

##### **SYSTEM MANAGER(S) AND ADDRESS:**

Heads of agencies or component units within their organizations who have custody of the records. (See the appropriate Agency Official in the listing in appendix I, and at 29 CFR 70a.4.)

##### **NOTIFICATION PROCEDURE:**

Individuals wishing to inquire whether this system of records contains information about them should contact the system manager at the appropriate office or region where their original Privacy Act or Freedom of Information Act request was sent, or where they received responses to such requests.

##### **RECORD ACCESS PROCEDURE:**

A request for access shall be addressed to each facility to which the requester has submitted a Freedom of Information Act or Privacy Act request.

**Note:** Individuals must furnish the following information for their records to be located and identified:

- a. Name.
- b. Approximate dates of Privacy Act/FOI Act correspondence between the Department of Labor and the individual.
- c. Individuals requesting access must also comply with the Privacy Act regulations regarding verification of identity and access to records at [29 CFR 70a.4].

**CONTESTING RECORD PROCEDURES:**

A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**RECORD SOURCE CATEGORIES:**

Information in this system of records comes from:

- a. The individual who is the subject of the records.
- b. Official personnel documents of the agency, including records from any other agency system of records included in this notice.
- c. Agency officials who respond to Privacy Act/FOI Act requests.
- d. Other sources whom the agency believes have information pertinent to an agency decision on a Privacy Act or Freedom of Information Act request.
- e. Other Federal agencies referring the request to the Department of Labor.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

The Department of Labor has claimed exemptions for several of its other systems of records under 5 U.S.C. 552a(k) (1), (2), (3), (5), and (6). During the course of a PA/FOIA action, exempt materials from those other systems may become part of the case record in this system. To the extent that copies of exempt records from those other systems are entered into these PA/FOIA case records, the Department has claimed the same exemptions for the records as they have in the original primary system of records of which they are a part.

**DOL/OASAM-25****SYSTEM NAME:**

Intergovernmental Personnel Act Assignment Records.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

A. In Washington, DC: (1) OASAM, Office of Employment and Training; and personnel offices located in (2) OASAM, National Capital Service Center; (3) Office of the Solicitor; (4) Bureau of Labor Statistics; (5) Employment Standards Administration; (6) Employment and Training

Administration; (7) Occupational Safety and Health Administration; (8) Mine Safety and Health Administration; (9) Office of the Inspector General; and B. OASAM Regional Personnel Offices.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Current or former State or local government agency or educational institution employees, employees of Indian tribal governments, or other organizations who have completed or are presently on an assignment in a DOL agency under the provisions of IPA.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

These records consist of a copy of the individual's IPA agreement between a DOL agency and a State or local government, educational institution, Indian tribal government, or other organization; biographical and background information about the assignees.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

The Intergovernmental Personnel Act of 1970. (5 U.S.C. 3371 through 3376)

**PURPOSE(S):**

These records are maintained to document and track mobility assignments under IPA.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

None.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

Not applicable.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Records are maintained in file folders.

**RETRIEVABILITY:**

By the name of the individual.

**SAFEGUARDS:**

Files are maintained in an area with limited access.

**RETENTION:**

Records are retained for a period of 2 years following the completion of the assignment.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Office of Employment and Training, room N-5476, 200 Constitution Avenue, NW., Washington, DC 20210.

**NOTIFICATION PROCEDURE:**

Individuals wanting to inquire whether this system contains

information about them should contact the servicing personnel office.

**RECORDS ACCESS PROCEDURES:**

Contact the servicing personnel office.

**CONTESTING RECORD PROCEDURES:**

Contact the servicing personnel office.

**RECORDS SOURCE CATEGORIES:**

Information provided by the assignee, and by officials in DOL agencies, State and local government, educational institutions, Indian tribal governments and other organizations where the assignee is employed.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Not applicable.

**DOL/OAA-1****SYSTEM NAME:**

Administrative Appeals File—DOL OAA-1.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Office of Administrative Appeals, U.S. Department of Labor, room S-4309, 200 Constitution Ave., NW., Washington, DC 20210.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Parties in cases which are before the Secretary, Deputy Secretary or other deciding officials of the Department and for which OAA is assigned responsibility.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Information assembled in case files pertaining to proceedings relating to administrative adjudications of orders and decisions issued by Departmental officials and Administrative Law Judges.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Surface Transportation and Assistance Act, 49 U.S.C. app. 2305 (1982); Energy Reorganization Act of 1974, as amended, 42 U.S.C. 5851 (1982); Clean Air Act, 42 U.S.C. 7622 (1982); Water Pollution Control Act, 33 U.S.C. 1367 (1982); Solid Waste Disposal Act, 42 U.S.C. 6971(a) (1982); Safe Drinking Water Act, 42 U.S.C. 300i-9(i) (1982); Toxic Substances Control Act, 15 U.S.C. 2622 (1982); Comprehensive Environmental Response Compensation and Liability Act, 42 U.S.C. 9610 (1982); Comprehensive Employment and Training Act, as amended, 29 U.S.C. 801-999 (Supp. V 1981); Job Training Partnership Act, 29 U.S.C. 1501-1781

(1982); Service Contract Act of 1965, as amended, 41 U.S.C. 351-358 (1982); Migrant and Seasonal Agricultural Worker Protection Act, 29 U.S.C. 1813(b), 1853(b) (1982); Longshore and Harbor Workers Compensation Act, 33 U.S.C. 901 (1982); The Walsh-Healy Public Contracts Act, as amended, 41 U.S.C. 35-45 (1982).

**PURPOSE:**

Maintained for use in adjudication of cases.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

The primary uses of the records are for the adjudication of cases by the Secretary, Deputy Secretary or other deciding official. Disclosures outside the Department of Labor may be made to District Courts or Courts of Appeals, parties and others that are related to litigation.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Maintained in manual form in file folders and containers, and in a computer system.

**RETRIEVABILITY:**

Indexed by name of complainant, respondent, and docket number.

**SAFEGUARDS:**

Maintained with safeguards meeting the requirements of 29 CFR part 70a.

**RETENTION AND DISPOSAL:**

Case records are returned to Office of Administrative Law Judges after completion of OAA function. A file containing copies of decisions, orders and OAA correspondence related to the case is retained in the office files. OAA retains case record of cases not arising from ALJ decisions.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Office of Administrative Appeals, room S-4309, 200 Constitution Avenue, NW., Washington, DC 20210.

**NOTIFICATION PROCEDURE:**

Inquiries regarding records should be in the form of a written, signed request to the above address.

**RECORD ACCESS PROCEDURES:**

As in notification procedure.

**CONTESTING RECORD PROCEDURES:**

As in notification procedure.

**RECORD SOURCE CATEGORIES:**

Records include information submitted by claimants, respondents, other parties in the case, Administrative Law Judges, government representatives and the deciding official.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**DOL/OALJ-1**

**SYSTEM NAME:**

Administrative Law Management System.

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

U. S. Department of Labor, Office of Administrative Law Judges (OALJ), Vanguard Building, Suite 700, 1111 20th Street, NW., Washington, DC 20036

**CATEGORY OF INDIVIDUALS COVERED BY THE SYSTEM:**

Claimants under statutory and Executive Order jurisdiction assigned to the OALJ.

**CATEGORY OF RECORDS IN THE SYSTEM:**

Compensation claim file, including medical and legal reports, correspondence, memoranda and court transcript information.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Title IV of the Federal Mine Safety and Health Act of 1977, as amended. 33 U.S.C., section 901, et seq.

**PURPOSE(S):**

Primary use of records is for tracking each case through the disposition processes by Administrative Law Judges.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

None.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Manual files and computer system.

**RETRIEVABILITY:**

By name or Social Security Number.

**SAFEGUARDS:**

Routine computer precautions limiting access to authorized user codes.

**RETENTION AND DISPOSAL:**

Inactive records retained in system for two years before being purged to history files where they are stored for 5 years, then destroyed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director of Program Operations, U.S. Department of Labor, Office of Administrative Law Judges, Suite 700, 1111 20th Street, NW., Washington, DC 20036

**NOTIFICATION PROCEDURES:**

Inquiries regarding the existence of records should be in the form of a written, signed request to the above address.

**RECORD ACCESS PROCEDURES:**

As in notification procedures.

**CONTESTING RECORD PROCEDURES:**

As in notification procedures.

**RECORD SOURCE CATEGORIES:**

Individual filing the claim for benefits and the Administrative Law Judges involved in the judicial process of the case.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**DOL/ASP-1**

**SYSTEM NAME:**

Seasonal Agricultural Services (SAS) Farmworker Research File, Case Tracking Files, Name Index, USDOL/ASP.

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

Office of the Assistant Secretary for Policy, DOL, 200 Constitution Avenue, NW., Washington, DC 20210, and in the office of the system co-manager, Aguirre International, 411 Borel Avenue, Suite 402, San Mateo, CA, 94402.

**CATEGORIES OF INDIVIDUAL COVERED BY THE SYSTEM:**

The respondents in the National Seasonal Agricultural Services Farmworker Survey (SAS Farmworker Survey). These will be randomly selected individuals who are engaged in SAS activities. See USDA Regulations at 52 FR 20372, June 1, 1987 for definition of SAS activities. There will be approximately 8,750 individuals included in the file during its existence from July, 1988 to October, 1992.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The system will contain records of the employment history of SAS farmworkers and their families. It will also contain information about the wages, working conditions and recruitment procedures experienced by SAS farmworkers. The records will contain the name, Social Security Number (SSN), and addresses of the respondents in the SAS Farmworker Survey. All of this data will have been obtained in a personal interview with the respondents. In addition, data obtained about the work record of the respondents (as recorded in their SSN records) obtained from State Employment Security Agencies may be included for many of these individuals.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Section 210A(a)(5)(B)(i) of the Immigration and Nationality Act as amended by section 303 of the Immigration Reform and Control Act (IRCA) of 1986. The law has been codified at 8 U.S.C. 1161.

**PURPOSE(S):**

The information held in this system will be used exclusively by the Department of Labor for the estimate of the supply of workers needed in Fiscal Years, 1990, 1991, 1992 and 1993 as prescribed by IRCA (section 303). The data will not be used for enforcement activities.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

None.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

In the initial stages the information will be stored on interview questionnaires which will be handled by Aguirre International of San Mateo California. This company will transfer the questionnaires as quickly as possible to their San Mateo Offices where they will be kept in locked filing cabinets. The information will be entered onto computer and stored on computer tape by Aguirre and by the Assistant Secretary for Policy's office. The computer records will be kept in locked file cabinets at all times.

**RETRIEVABILITY:**

The names of the respondents will be retrievable since the computer files and

the questionnaires will be cross-indexed.

**SAFEGUARDS:**

Only employees of Aguirre International or the Office of the Assistant Secretary for Policy will have access either to the hard copy or computer tapes. The records will only be accessible through use of confidential procedures and passwords.

**RETENTION AND DISPOSAL:**

These files will be kept during the statutory period of their utility for labor supply estimates required by IRCA. If these provisions are not renewed by Congress, the records will be destroyed in October, 1992.

**SYSTEM MANAGER(S) AND ADDRESSES:**

Assistant Secretary for Policy, DOL, 200 Constitution Avenue, NW., Washington, DC 20210, and in the office of the system co-manager, Aguirre International, 411 Borel Avenue, Suite 402, San Mateo, CA. 94402.

**NOTIFICATION PROCEDURE:**

Individuals wishing to inquire whether this system of records contains information about them should contact the office of one of the co-system managers. Individuals must furnish the following information for their records to be located and identified:

- Full name.
- Date of birth.
- Social Security Number.
- Place where interview occurred.
- Signature.

**RECORD ACCESS PROCEDURES:**

Individual farmworkers seeking to look at their own files will be permitted access. All other individuals will be denied access. Individuals wishing to request access to their own records should contact one of the co-system managers and include in their request the identification data required in the Notification Procedure section.

**CONTESTING RECORD PROCEDURES:**

To seek amendment of record procedures individuals should direct their requests to one of the co-system managers and include all the personal identification information required for the Notification Procedure.

**RECORD SOURCE CATEGORIES:**

The information in this system will be received from respondents answers to questions about their own employment histories. In addition, employment data from UI files may be included in the file for each individual.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**DOL/BRB-1****SYSTEM NAME:**

Appeals Files—Benefits Review Board (BRB).

**SYSTEM LOCATION:**

Benefits Review Board, 1111 20th Street, NW., Suite 757, Washington, DC 20036.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individual persons involved in appeals proceedings before the Benefits Review Board.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Information assembled in case files pertaining to hearings proceedings and appeals to the Benefits Review Board relating to appeals raising a substantial question of law or fact taken by any party in interest from decisions with respect to claims of employees for benefits under the Longshoremen's and Harbor Workers' Compensation Act as amended, and its extensions and the Federal Coal Mine Health and Safety Act, as amended.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

(a) 30 U.S.C. secs. 901-62 (1982), (b) 33 U.S.C. secs. 901-50 (1982), (c) 42 U.S.C. secs. 1651-54 (1982), (d) 36 D.C. Code secs. 501-04 (1973) (e) 43 U.S.C. secs. 1331-43 (1982), (f) 5 U.S.C. secs. 8171-73 (1982), (g) 42 U.S.C. secs. 1701-17 (1982)

**PURPOSE:**

To have a centralized and complete file of all appeals arising before the Board.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

The primary uses of the records are for the adjudication of issues in appeals proceeding before the Benefits Review Board. Disclosure outside the Department of Labor may be made to federal courts.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Maintained in manual form in file folders.

**RETRIEVABILITY:**

Indexed by Benefits Review Board docket number and claimant's name.

**SAFEGUARDS:**

Maintained with safeguards meeting the requirements of applicable regulations.

**RETENTION AND DISPOSAL:**

Case materials returned to the Office of Workers' Compensation Programs, Employment Standards Administration, Department of Labor after completion of Benefits Review Board functions. Records of decisions not authorized for disposal.

**SYSTEM MANAGER(S) AND ADDRESS:**

Clerk of the Board, Benefits Review Board, 1111 20th Street, NW., Suite 757, Washington, DC 20036.

**NOTIFICATION PROCEDURE:**

A written and signed request to the System Manager stating that the requester seeks information concerning records pertaining to him is required.

**RECORD ACCESS PROCEDURES:**

A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester.

**CONTESTING RECORD PROCEDURES:**

A petition for amendment shall be addressed to the System Manager.

**RECORD SOURCE CATEGORIES:**

Records in the system include information submitted by the appellants, claimants, and other persons involved in the appeals proceedings, as well as by the Government.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**DOL/BLMRCP-1****SYSTEM NAME:**

Lists of Airline Employees Protected Under the Rehire Program.

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

Bureau of Labor-Management Relations and Cooperative Programs (BLMRCP), room N5416, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Employees of covered air carriers who are protected under the Airline Employee Protection Program. (Covered air carrier means, whenever used in this

notice, an air carrier which held a certificate under Section 401 of the Federal Aviation Act of 1958, as amended, prior to October 24, 1978).

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Lists that contain employees' names, social security numbers (if available), occupational specialties and reporting covered carrier.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Pub. L. 95-504, 49 U.S.C. 1552.

**PURPOSE:**

The lists will assist covered air carriers in verifying job applicants' protected status.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Information may be disclosed to covered air carriers that have a duty to hire protected employees in order for those carriers to verify the protected status of job applicants. Information may also be disclosed to protected employees, labor organizations of protected employees to the extent necessary to determine and enforce the rights of protected employees under the Act.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISCLOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Magnetic tape and paper copy.

**RETRIEVABILITY:**

Alphabetically by covered carrier and name of employee.

**SAFEGUARDS:**

The records will be maintained in locked storage in BLMRCP, accessible only to authorized personnel during working hours.

**RETENTION AND DISPOSAL:**

Records will be retained until they can be incorporated into the records disposition schedule of BLMRCP.

**SYSTEMS MANAGER(S) AND ADDRESS:**

Program Officer, Airline Employee Protection Program, room N5416, BLMRCP, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

**NOTIFICATION PROCEDURE:**

Individuals wishing to inquire whether this system of records contains

information about them should contact the system manager.

**RECORD ACCESS PROCEDURES:**

Individuals wishing to request access to the records should contact the Disclosure Officer, Airline Employee Protection Program, room N5416, BLMRCP, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

**CONTESTING RECORD PROCEDURES:**

Individuals wishing to request amendment of the records should contact the Disclosure Officer, Airline Employee Protection Program, room N5416, BLMRCP, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

**RECORD SOURCE CATEGORIES:**

Covered air carriers.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**DOL/BLMRCP-2****SYSTEM NAME:**

Semi-Annual Lists of Hired Employees.

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

Bureau of Labor-Management Relations and Cooperative Programs (BLMRCP), room N5416, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Employees hired by covered air carriers during each 6 month period who are protected under the Airline Employee Protection Program. (Covered air carrier means, whenever used in this notice, an air carrier which held a certificate under section 401 of the Federal Aviation Act of 1958, as amended, prior to October 24, 1978.)

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Lists of protected employees' names, social security numbers (if available), occupational specialties, dates or hire for each position filled, and reporting covered air carrier.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Pub. L. 95-504, 49 U.S.C. 1552.

**PURPOSE:**

These lists will assist covered carriers in verifying job applicants' protected status.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

Opinion letters may be sent to other parties of each application in order to gather complete information for the opinion. Information also may be disclosed to airline employees, labor organizations of protected employees, authorized representatives of airline employees, and covered air carriers to the extent necessary to determine and enforce the rights of protected employees under the Act.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Magnetic disks and manual files.

**RETRIEVABILITY:**

Name of employee and case control number, if any.

**SAFEGUARDS:**

The records will be maintained in locked storage in BLMRCP, accessible only to authorized personnel during working hours.

**RETENTION AND DISPOSAL:**

Records will be retained until they can be incorporated into the records disposition schedule of BLMRCP.

**SYSTEMS MANAGER(S) AND ADDRESS:**

Programs Officer, Airline Employee Protection Program, room N5416, BLMRCP, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

**NOTIFICATION PROCEDURE:**

Individuals wishing to inquire whether this system of records contains information about them should contact the system manager.

**RECORD ACCESS PROCEDURES:**

Individuals wishing to request access to the records should contact the Disclosure Officer, Airline Employee Protection Program, room N5416, BLMRCP, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

**CONTESTING RECORD PROCEDURES:**

Individuals wishing to request amendment of the records should contact the Disclosure Officer, Airline Employee Protection Program, room N5416, BLMRCP, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

**RECORD SOURCE CATEGORIES:**

Covered air carriers, protected employees, authorized representatives of protected employees and labor organizations of protected employees.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**DOL/BLMRCP-3****SYSTEM NAME:**

Rehire Program Appellant and Inquiry Files.

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

Bureau of Labor-Management Relations Cooperative Programs (BLMRCP), room N5416, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Airline employees who request the Secretary of Labor to determine whether they are protected employees under section 43(d) of the Airline Deregulation Act of 1978, as amended, and may be entitled to benefits under the Rehire Program. Other airline employees and interested parties seeking interpretations under the Rehire Program.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Letters of appeal and inquiry and relevant documents from appellants and other parties, such as employing carrier, and agency reports and opinions.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Pub. L. 95-504, 49 U.S.C. 1552.

**PURPOSE:**

The list will assist covered air carriers in verifying job applicants' protected status.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Information may be disclosed to covered air carriers that have a duty to hire protected employees to permit those carriers to verify the protected status of job applicants. Information may also be disclosed to protected employees, labor organizations of protected employees, and authorized representatives of protected employees, to the extent necessary to determine and enforce the rights of protected employees under the Act.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

The lists of protected employees will be stored on paper printout in BLMRCP. All other records will be kept in manual files.

**RETRIEVABILITY:**

All records will be accessed by covered carrier, occupational specialty and name of employee.

**SAFEGUARDS:**

The records will be maintained in locked storage in BLMRCP, accessible only by authorized personnel during working hours.

**RETENTION AND DISPOSAL:**

Records will be retained until they can be incorporated into the records disposition schedule of BLMRCP.

**SYSTEMS MANAGER(S) AND ADDRESS:**

Program Officer, Airline Employee Protection Program, room N5416, BLMRCP, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

**NOTIFICATION PROCEDURE:**

Individuals wishing to inquire whether this system of records contains information about them should contact the system manager.

**RECORD ACCESS PROCEDURES:**

Individuals wishing to request access to the records should contact the Disclosure Officer, Airline Employee Protection Program, room N5416, BLMRCP, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

**CONTESTING RECORD PROCEDURES:**

Individuals wishing to request amendment of records should contact the Disclosure Officer, Airline Employee Protection Program, room N5416, BLMRCP, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

**RECORD SOURCE CATEGORIES:**

Covered air carriers and employees.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**DOL/BLMRCP-4****SYSTEM NAME:**

BLMRCP, Redwood Employee Protection Program, Health, Welfare, and Pension Claims and Benefits Payments (including severance benefits and benefits for salary replacement, retraining, job search and relocation).

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

Bureau of Labor-Management Relations and Cooperative Programs (BLMRCP), room N5416, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Those applying for benefits/filing claims under the Redwood Employee Protection Program.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Financial records consisting of weekly requests from claimants for Redwood benefits from the California Employment Development Department. Medical records consisting of actual claims from individuals and medical providers and including dates of service, patient name, social security number, diagnosis, and payment. Personal records including name of claimant, former employer, social security number, date of birth and dates of eligibility.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Redwood National Park Expansion Act, Pub. L. 95-250, 92 Stat. 172 (1978).

**PURPOSE(S):**

Records are used for verification and payment of health, welfare, and pension benefits and payment of benefits through the U.S. Treasury.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Information can be shared with the following agencies: California Employment Development Department; all participating and nonparticipating Health & Welfare Trusts, Administrators, and Pension Insurance Carriers; and other interested parties (e.g., hospitals and medical providers) in order for those agencies to verify eligibility of claimants and payment of health, welfare, and pension benefits.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Records are maintained in manual files.

**RETRIEVABILITY:**

Records are accessed alphabetically by claimant's name.

**SAFEGUARDS:**

Records are only accessible during normal business hours and maintained in a locked room at all other times.

**RETENTION AND DISPOSAL:**

Records are closed when claimant retires or accepts severance pay or exhausts period of protection and receives pension entitlements. Records are transferred to the Federal Archives and Record Center when one year old and destroyed when five years old.

**SYSTEM MANAGER(S) AND ADDRESS:**

Program Officer, Redwood Employee Protection Program, room N5411, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

**NOTIFICATION PROCEDURE:**

Individuals who apply for benefits under the Redwood Employee Protection Program may contact the system manager regarding the existence of records about them. An individual must furnish his/her full name to access these records and may volunteer his/her social security number to facilitate the identification and location of his/her file.

**RECORD ACCESS PROCEDURES:**

Individuals who apply for benefits under the Redwood Employee Protection Program health and welfare program may contact the system manager to request access to records about them. An individual must furnish his/her full name to access these records and may volunteer his/her social security number to facilitate the identification and location of his/her file.

**CONTESTING RECORD PROCEDURES:**

Individuals who wish to amend their records to correct factual errors should contact the system manager. An individual must furnish his/her full name for the records to be located and identified.

**RECORD SOURCE CATEGORIES:**

The information in this system is obtained from the following sources:

- The individual to whom the information pertains;
- California Employment Development Department;

- NUMAS, Inc., claims processing contractor;
- Providers of medical service; and/or
- Claimants' former employers and trust administrators.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**DOL/BLS-2****SYSTEM NAME:**

Staff Utilization System.

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

Records stored on computer at Boeing Computer Center, Vienna, VA. Access and maintenance occur by remote terminal in room 1066, GAO Building, 441 G St., NW., Washington, DC 20212.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Regular full- and part-time and intermittent employees in the BLS National and Regional Offices.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Payroll, accounting and staff utilization data: Name, SSN, grade and step, cost center, PAS home code, staff hours by PAS code, by function and by task (function and task specified by each office).

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301.

**PURPOSE(S)**

To capture and electronically enter time distribution data into the DOL Time Distribution and Accounting Systems. To provide BLS managers a means of monitoring staff hours and pay on assigned functions and tasks.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Magnetic disk packs.

**RETRIEVABILITY:**

Retrievable by any element, including name and SSN.

**SAFEGUARDS:**

Data on private disk, accessible only by authorized employees.

**RETENTION AND DISPOSAL:**

Cumulative file is retained by fiscal year. Original input documents are retained for 4 years and then destroyed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief, Division of Management Information Systems, room 2518, GAO Building, 441 G St. NW., Washington, DC 20212.

**NOTIFICATION PROCEDURE:**

Mail all inquiries or present in writing to System Manager at above address. Give name, SSN, and dates of employment.

**RECORD ACCESS PROCEDURES:**

As above.

**CONTESTING RECORD PROCEDURES:**

As above.

**RECORD SOURCE CATEGORIES:**

Input from DOL bi-weekly payroll tape and time distribution forms (DL 1-129, "Project Reporting Form").

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**DOL/BLS-3****SYSTEM NAME:**

Regional Office Staff Utilization File.

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

Records stored on computer at The National Institutes of Health, Bethesda, MD Access and maintenance is generally by remote terminal in room 2747, GAO Building, 441 G St., NW., Washington, DC 20212.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All regular regional office BLS employees.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Staff utilization and travel expenditures data: Name, SSN, pay period, hours worked and units accomplished by PAS code for functions such as personal visit, telephone collection, training, and cost for transportation and subsistence.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301.

**PURPOSE(S):**

To capture and electronically enter time distribution data into the DOL Time Distribution and Accounting Systems. To provide BLS managers a means of monitoring regional staff hours

worked per unit and travel expenditures on assigned functions and tasks.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Magnetic tapes and disks.

**RETRIEVABILITY:**

Retrievable by a data field, including name and SSN.

**SAFEGUARDS:**

Only authorized employees have access to tapes/disks, to the programs, and to the Regions' backup documents.

**RETENTION AND DISPOSAL:**

Cumulative file is retained by fiscal year. Original input documents are retained for 4 years and then destroyed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief, Division of Field Collection Activities, room 2870, GAO Building, 441 G St., NW., Washington, DC 20212.

**NOTIFICATION PROCEDURE:**

Mail all inquiries or present in writing to System Manager at above address. Give name, SSN, and dates of employment.

**RECORD ACCESS PROCEDURES:**

As above.

**CONTESTING RECORD PROCEDURES:**

As above.

**RECORD SOURCE CATEGORIES:**

"Staff Utilization Report (form number SO-1) filled out each pay period by each R.O. employee (in place of the DL 1-291, "Project Reporting Form") and SF-1012 (Travel Voucher).

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**DOL/BLS-4****SYSTEM NAME:**

Business Research Advisory Council.

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

Room 2829, GAO Building, 441 G St., NW., Washington, DC 20212

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Past and present members of the Business Research Advisory Council.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Biographical information on individuals who are or have been members or are being considered for membership in BRAC.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301.

**PURPOSE(S):**

To insure that all appropriate records are retained and are available for official use.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

None.

**DISCLOSURE TO CONSUMER REPORTING AGENCY:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Manual file.

**RETRIEVABILITY:**

Retrievable by name.

**SAFEGUARDS:**

Maintained by liaison for BRAC. Only authorized employees have access to file.

**RETENTION AND DISPOSAL:**

Records transferred to National Archives 5 years after member resigns from council.

**SYSTEM MANAGER(S) AND ADDRESS:**

Liaison, Business Research Advisory Council, room 2126, GAO Building, 441 G St. NW., Washington, DC 20212.

**NOTIFICATION PROCEDURE:**

Mail all inquiries or present in writing to System Manager at above address.

**RECORD ACCESS PROCEDURES:**

As in notification procedure.

**CONTESTING RECORD PROCEDURES:**

As in notification procedure.

**RECORD SOURCE CATEGORIES:**

From individuals concerned.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**DOL/BLS-5****SYSTEM NAME:**

Labor Research Advisory Council.

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

Room 2829, GAO Building, 441 G St., NW., Washington, DC 20212

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Past and present members of the LRAC and persons being considered for membership.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Biographical information on individuals who are or have been members or are being considered for membership.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301.

**PURPOSE(S):**

To insure that all appropriate personal records are retained and are available for official use.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

None.

**DISCLOSURE TO CONSUMER REPORTING AGENCY:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

File cabinets and bookcases.

**RETRIEVABILITY:**

Retrievable by individual name.

**SAFEGUARDS:**

Maintained by liaison for BRAC. Only authorized employees have access.

**RETENTION AND DISPOSAL:**

Files are retained as long as the member is serving on the committee and disposed of 3 years after they have resigned from the committee.

**SYSTEM MANAGER(S) AND ADDRESS:**

Associate Commissioner, Office of Publications, room 2822, GAO Building, 441 G St. NW., Washington, DC 20212.

**NOTIFICATION PROCEDURE:**

Mail all inquiries or present in writing to System Manager at above address.

**RECORD ACCESS PROCEDURES:**

As in notification procedure.

**CONTESTING RECORD PROCEDURES:**

As in notification procedure.

**RECORD SOURCE CATEGORIES:**

Biographical data received from the members of LRAC, and minutes from meetings that are held twice a year.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**DOL/BLS-6****SYSTEM NAME:**

Applicant Race and National Origin (ARNO) System. Form 618.

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

Room 2827, GAO Building, 441 G St., NW., Washington, DC 20212.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Job applicants.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Applicant race and National origin data: Records which contain Name, SSN, grade, title of position, location of position, race, occupational code, date received, RNO Code, title of announcement, number of announcement, authorization number.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301.

**PURPOSE(S):**

To comply with the data collection requirements of the Luevano V. Devine decree (November 19, 1981) for applicants. See Civil Service Action Number 79-0271.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Users—OPM; to develop statistical reports on the number and race of applicants.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Magnetic disk packs.

**RETRIEVABILITY:**

Retrievable by any element, including name and SSN.

**SAFEGUARDS:**

Only authorized employees have access.

**RETENTION AND DISPOSAL:**

Cumulative file is retained by fiscal year until all research is completed, then it is destroyed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Personnel Officer, Division of Personnel and or Management, room 2827, GAO Building, 441 G St. NW., Washington, DC 20212.

**NOTIFICATION PROCEDURE:**

Requests should be submitted to above address.

**RECORD ACCESS PROCEDURES:**

As in notification procedure.

**CONTESTING RECORD PROCEDURES:**

As in notification procedure.

**RECORD SOURCE CATEGORIES:**

Input from Form E 618, Applicant Race and National Origin Questionnaire.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**DOL/BLS-7****SYSTEM NAME:**

BLS Employee Conduct Investigation.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Offices in the Bureau of Labor Statistics at the National Office and in each of the eight Regional Offices.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

BLS employee(s) against whom any allegations of misconduct, illegal acts, conflicts of interest, etc., have been made.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name, organization and other information relating to the individual involved. It also contains investigative report(s) associated with the case, including interviews and other confidential data gathered.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301.

**PURPOSE(S):**

These records are maintained to ensure that all appropriate records of problems, misconduct, illegal acts, conflicts of interest, etc., are retained and are available to agency, Departmental, or other Federal officials having a need for the information in the performance of their official duties and to support actions taken based on the records.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

(1) Disclosure to other Federal agencies, including the Department of Justice, the FBI, and to any other Federal, State, and local government responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (2) to a Federal agency which has requested information relevant to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant, or other benefit.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

The records are stored in file folders in metal cabinets.

**RETRIEVABILITY:**

Filed by name or other identifying code such as case file number.

**SAFEGUARDS:**

The files are maintained in locked file cabinets with access only to those with a need to know the information to perform their duties.

**RETENTION AND DISPOSAL:**

Completed investigations are disposed of after 20 years. Matters not subject to full investigations are disposed of after 10 years.

**SYSTEM MANAGER(S) AND ADDRESS:**

Division of Personnel and Organization Management, 441 G Street, NW., Washington, DC 20212, and appropriate Regional Offices.

**NOTIFICATION PROCEDURE:**

Inquiries should be mailed or presented to the system manager noted at the address listed above.

**RECORD ACCESS PROCEDURES:**

As noted in notification procedure.

**CONTESTING RECORD PROCEDURES:**

As noted in notification procedure.

**RECORD SOURCE CATEGORIES:**

Hotline complaints through the Office of the Inspector General's hotline; hotline complaints through the General Accounting Office's hotline system; incident reports submitted by other employees; and investigative reports.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Under the specific exemption authority provided by 5 U.S.C. 552a(k)(2), exempting this system from the following provisions of the Privacy Act: 5 U.S.C. 552a(c), 3, (d), (e) (1), (4) (G), (H), (I), and (f) of the Act. Disclosure of information could enable the subject of the record to take action to escape prosecution and could avail the subject greater access to information than already provided under rules of discovery. In addition, disclosure of information might lead to intimidation of witnesses, informants, or their families, and impair future investigations by making it more difficult to collect similar information.

**DOL/BLS-8**

**SYSTEM NAME:**

BLS Employee ADP Training History.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Offices in the Bureau of Labor Statistics National Office.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

BLS employees who take training under BLS's ADP training contract.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Employee name, employee organization, course taken, course start date, course end date, total hours for course, indication whether or not the course was completed, and cost of the course for this student to the student's organization.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301.

**PURPOSE(S):**

The records are maintained to enable BLS to allocate costs of training to appropriate organization within BLS and to enable employees' managers and employees to determine what courses employees have taken.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

None.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

The paper records are stored in file folders in metal cabinets. Machine-readable versions of the records are kept in a microcomputer database.

**RETRIEVABILITY:**

Filed and retrieved by course title or other identifying codes such as course number. Also, filed and retrieved by the name of employee attending course.

**SAFEGUARDS:**

The files are maintained in locked file cabinets with access only to those with a need to know the information to perform their duties. Machine readable data will be limited to those on a need to know basis.

**RETENTION AND DISPOSAL:**

Indefinite.

**SYSTEM MANAGER(S) AND ADDRESS:**

Division of Systems Design, 441 G St. NW., Washington, DC 20212.

**NOTIFICATION PROCEDURE:**

Inquiries should be mailed or presented to the system manager noted at the address noted above.

**RECORD ACCESS PROCEDURES:**

As noted in notification procedure.

**CONTESTING RECORD PROCEDURES:**

As noted in notification procedure.

**RECORD SOURCE CATEGORIES:**

Application for Training forms such as DL-101 or other application forms BLS may designate. Certificates of course completion.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**DOL-ECAB-01**

**SYSTEM NAME:**

Employees' Compensation Appeals Board Docket Records.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

U.S. Department of Labor, Employees' Compensation Appeals Board, 300 7th Street SW., Suite 300, Washington, DC 20210.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Former or current Federal employees appealing final decisions of the Office of Workers' Compensation Programs.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Documents pertaining to appeals of final decisions rendered by the Office of Workers' Compensation Programs arising under the Federal Employees Compensation Act, including incoming and outgoing correspondence, a summary of processing transactions, pleadings, motions, orders, and final disposition.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 8101 *et seq.*

**PURPOSE(S):**

To maintain formal records of appeals and track appeals through processing and disposition operations.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosure to officers and employees of the Department of Labor having need for access to the record in the performance of their duties.

1. Reply to correspondence pertaining to pending appeals and their disposition.  
2. Adjudicate and determine issues raised on appeal.

3. Disclosure outside the Department of Labor may be made to the Department of Justice when related to litigation or anticipated litigation; information indicating a violation or potential violation of a statute, regulation, rule, order or license, may be made to appropriate Federal, State or local agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Maintained in manual hard copy form in file folders; summary data maintained in computer based case tracking system.

**RETRIEVABILITY:**

Indexed by ECAB Docket case number, can be cross-referenced to individual's name.

**SAFEGUARDS:**

Manual Docket records are maintained in a separate file room with access restricted to ECAB employees. Manual records may be reviewed only by Federal employees with a work related need for access and to the appellant or an authorized

representative upon presentation of appropriate identification. Standard computer operating procedures restrict access of computer data to authorized users with proper password.

**RETENTION AND DISPOSAL:**

Manual Docket records are retired to the National Records Center after three years; they are destroyed after 20 years. Historical computer records are stored on diskette in a locked cabinet.

**SYSTEM MANAGER AND ADDRESS:**

Clerk of the Board, Employees' Compensation Appeals Board, 300 7th Street SW., Suite 300, Washington, DC 20210.

**NOTIFICATION PROCEDURE:**

Inquiries regarding records should be in the form of a written, signed request to the System Manager at the above address and should specify the ECAB Docket number.

**RECORD ACCESS PROCEDURE:**

Information or assistance regarding access to ECAB Docket records may be obtained by contacting the Clerk of the Board, Employees' Compensation Appeals Board, 300 7th Street SW., Suite 300, Washington, DC 20210 or by telephoning (202) 472-2782.

**CONTESTING RECORD PROCEDURES:**

Individuals who wish to contest their records should notify the System Manager in writing.

**RECORD SOURCE CATEGORIES:**

Records in this system contain information supplied by the appellant and Government officials involved in the appeals proceedings.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Not applicable.

**DOL-ECAB-02****SYSTEM NAME:**

Employees' Compensation Appeals Board Disposition Records.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

U.S. Department of Labor, Employees' Compensation Appeals Board, 300 7th Street SW., Suite 300, Washington, DC 20210.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Former or current Federal employees who appealed final decisions of the Office of Workers' Compensation Programs.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Final decisions and/or orders determining appeals of benefits claims under the Federal Employees' Compensation Act.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 8101 *et seq.*

**PURPOSE(S):**

To maintain formal records of appeal dispositions determined by the Employees' Compensation Appeals Board.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Board final decisions and/or orders are public documents and are accessible to any interested persons. Precedent setting decisions are published in an annual Volume, available for sale from the Government Printing Office, and deposited in over 500 Federal Depository Libraries throughout the country. They are used by law schools, law libraries, the Office of Workers' Compensation Programs, the Office of the Solicitor of Labor, attorneys and those members of the general public interested in federal workers' compensation.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Recent decisions are maintained in hard copy form in binders in the ECAB library, older decisions are in published, bound volumes. Published volumes are also on deposit in designated Federal Depository Libraries.

**RETRIEVABILITY:**

Published decisions are indexed by appellant's last name, by category of medical condition and legal issue, by ECAB Docket number and by ECAB Volume number and page. Unpublished decisions are indexed by ECAB Docket number, and can be cross-referenced to appellant's name.

**SAFEGUARDS:**

Access to ECAB Library and Decision Files is by request and available during regular office hours.

**RETENTION AND DISPOSAL:**

Disposition records are retained indefinitely.

**SYSTEM MANAGER AND ADDRESS:**

Clerk of the Board, Employees' Compensation Appeals Board, 300 7th Street SW., Suite 300, Washington, DC 20210.

**NOTIFICATION PROCEDURE:**

Inquiries should be in the form of a written, signed request to the System Manager at the above address and should specify the ECAB Docket number, name of appellant and approximate date of disposition. Alternatively, if disposition is known to be a published decision, inquiry should specify the Volume and page number.

**RECORD ACCESS PROCEDURES:**

Information or assistance regarding access to ECAB Disposition Records may be obtained by contacting the Clerk of the Board, Employees' Compensation Appeals Board, 300 7th Street SW., Suite 300, Washington, DC 20210 or by telephoning (202) 472-2782.

**CONTESTING RECORD PROCEDURES:**

Appellants who wish to contest their Disposition Records should notify the System Manager in writing.

**RECORD SOURCE CATEGORIES:**

Records in this system are composed of formal, final decisions and/or orders of the Employees' Compensation Appeals Board.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**DOL/ESA-2****SYSTEM NAME:**

Office of Federal Contract Compliance Programs Complaint Files.

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

Room C3325, Department of Labor Building, 200 Constitution Avenue, NW., Washington, DC 20210, and OFCCP Regional and District Offices (see Appendix 1).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals filing complaints of discrimination under Executive Order 11246, as amended, The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 2012, and section 503 of the Rehabilitation Act of 1973, as amended.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Medical records, investigative reports, contract coverage information,

employment applications, time and attendance records.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Executive Order 11246, as amended; The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 2012, section 503 of the Rehabilitation Act of 1973, as amended.

**PURPOSE:**

To maintain information and to provide information to other Federal agencies, Congressional staff and/or to an individual in response to a request from that agency or person regarding information gathered during the course of OFCCP's operations.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosure to the Equal Employment Opportunity Commission, Department of Justice, to other Federal, State or local agencies with concurrent jurisdiction over a complaint, for investigatory, conciliation or enforcement purposes; to Federal contractors, sub-contractors against whom a complaint is filed, including providing a copy of the complaint or a complaint summary for purposes of notice and/or under applicable internal review procedures; during an investigation to persons who may have knowledge pertinent to the complaint, but only to the extent necessary to determine the validity of complaint charges.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSITION OF RECORDS IN THE SYSTEM:****STORAGE:**

Power files/Magnetic tape/Manual files.

**RETRIEVABILITY:**

By name or OFCCP control number.

**SAFEGUARDS:**

Locked files and computer access codes.

**RETENTION AND DISPOSAL:**

Active files retained 2-3 years from date of closure, referred to storage for additional 4 years then they are destroyed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, OFCCP, room C3325, 200 Constitution Avenue, NW., Washington, DC 20210.

**NOTIFICATION PROCEDURE:**

Individuals wishing to inquire whether this system of records contains information about them should contact the system manager, the office's regional office servicing the State where they are employed (see list of the office's regional office addresses in appendix I), or their employing agency's personnel office.

**RECORD ACCESS PROCEDURES:**

Specific materials in this system have been exempted from Privacy Act provisions at 5 U.S.C. 552a(d), regarding access to records. Individuals wishing to request access to nonexempt records should contact the appropriate office listed in appendix I.

**CONTESTING RECORD PROCEDURES:**

Specific materials in this system have been exempted from Privacy Act provisions at 5 U.S.C. 552a(d) regarding amendment of records. The section of this notice titled "Systems Exempted from Certain Provisions of the Act" indicates the kinds of materials exempted and the reasons for exempting them from amendment. Individuals wishing to request amendment of any nonexempt records should contact appropriate office listed in the appendix.

**RECORD SOURCE CATEGORIES:**

Individual complainants, employers, co-workers, State rehabilitation agencies, physicians.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system contains complaints and investigative files compiled during the course of complaint investigations and compliance reviews. In accordance with paragraph (k)(2) of the Privacy Act, these files have been exempted from section (d), (e), 4(G), 4(H), and (f) of the Act. The disclosure of information contained in these files may in some circumstances discourage nonmanagement persons who have knowledge of facts and circumstances pertinent to charges from giving statements or cooperating in investigations. In addition, disclosure of medical records contained in these files may adversely affect the health of individuals without guidance of a responsible physician.

**DOL/ESA-5****SYSTEM NAME:**

Office of Workers' Compensation Programs, Black Lung Antidiscrimination Files.

**SYSTEM CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

Office of Workers' Compensation Programs, Division of Coal Mine Workers' Compensation, Department of Labor Building, 200 Constitution Avenue, NW., Washington, DC 20210.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals filing complaints against employers on account of discharge or other acts of discrimination by reason of pneumoconiosis disease.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Individual correspondence, investigative records, employment record, payroll records, medical reports, any other documents or reports pertaining to an individual's work history, education, medical condition or hiring practices of the employer.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

30 U.S.C. 938.

**PURPOSE:**

These records are used to process complaints against employers who discharge or otherwise discriminate against individuals because of pneumoconiosis disease.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosure of file content may be made to any party of interest to the complaint, including the coal company, the claimant, and legal representatives of each.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

Not applicable.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Manual files.

**RETRIEVABILITY:**

Coal miner's name and social security number.

**SAFEGUARDS:**

Files located in restricted area of a Federal building under guard by security officers.

**RETENTION AND DISPOSAL:**

Files are destroyed 10 years after case is closed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Division of Coal Mine Workers' Compensation, Department of

Labor Building, room C-3520, 200 Constitution Avenue, NW., Washington, DC 20210.

**NOTIFICATION PROCEDURE:**

Individuals wishing to inquire whether this system of records contains information about them should contact the system manager at the above address. Individuals must furnish their name, the coal miner's social security number and signature.

**RECORD ACCESS PROCEDURE:**

Individuals wishing to request access to their records should contact the system manager at the above address. Individuals must furnish their name, and coal miner's social security number and signature.

**CONTESTING RECORD PROCEDURES:**

Individuals wishing to request amendment of any record should contact the system manager at the above address. Individuals must furnish their name, the coal miner's social security number and signature.

**RECORD SOURCE CATEGORIES:**

Individual correspondence, investigative records, employment records, payroll records, medical reports, any other documents or reports pertaining to an individual's work history, education, medical condition, or hiring practices of the employer.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Not applicable.

**DOL/ESA-6****SYSTEM NAME:**

Office of Workers' Compensation, Black Lung Benefit Claim File.

**SYSTEM CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

Office of Workers' Compensation Programs, Division of Coal Mine Workers' Compensation, Department of Labor Building, 200 Constitution Avenue, NW., Washington, DC 20210, and district offices (see addresses in appendix 1).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals filing claims for black lung (pneumoconiosis) benefits under the provisions of Title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended, including miners, and their surviving widows, children, dependent parents and siblings.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records included are personal (name, date of birth, SSN, claim type, miner's date of death), medical, and financial. The system also may contain information gathered in connection with investigations concerning possible violations of Federal law, whether civil or criminal, under the authorizing legislation and related Acts. Such information may be derived from materials filed with the Department of Labor, other Federal, State and local departments and agencies, court records, medical records, insurance records, records of employers, articles from publications, published financial data, corporate information, bank information, telephone data, statements of witnesses, information received from Federal, State, local and foreign regulatory and law enforcement organizations, and from other sources. This record also contains the work product of the Department of Labor and other governmental personnel and consultants involved in the investigations. Commercial credit reports of individuals indebted to the United States, correspondence to and from the debtor, information of records relating to the debtor's current whereabouts, assets, liabilities, income and expenses, debtor's personal financial statements, and other information such as the nature, amount and history of a claim owed by an individual covered by this system, and other records and reports relating to the implementation of the Debt Collection Act of 1982 including any investigative records or administrative review matters. The individual records listed herein are included only as pertinent or applicable to the individual claimant.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

30 U.S.C. 901 et seq., 20 CFR 715.1 et seq., 20 CFR 720.1 et seq., 20 CFR 725.1 et seq.

**PURPOSE:**

These records are used to process claims for black lung (pneumoconiosis) benefits under the provisions of Title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended, including claims filed by miners and their surviving widows, children, dependent parents and siblings.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

a. Disclosure to the mine operators who have been determined potentially liable for the claim at any time after report of the injury or report of the onset.

of occupational illness, or the filing of a notice of injury or claim related to such injury or occupational illness, also to any party providing the mine operators with workers' compensation insurance coverage for the purpose of determining liability for payment; State workers' compensation agencies and the Social Security Administration for the purpose of determining offsets as specified under the Act; doctors and medical services providers for the purpose of obtaining medical evaluations, physical rehabilitation or other services; other Federal agencies conducting scientific research concerning the incidence and prevention of black lung disease; legal representatives for the purpose of claimant, responsible operator and program representation on contested issues; and labor unions and other voluntary employee associations of which the claimant is a member for the purpose of exercising an interest in claims of members as part of their service to the members.

Records are made available to other Federal agencies and State and local agencies conducting similar or related investigations, and to the Justice Department in that agency's determination regarding potential litigation and during the course of actual litigation. Records may be disclosed to contractors providing automated data processing services for the Department of Labor, and may also be disclosed in any proceeding where the authorizing legislation is an issue, or in which the Secretary of Labor, any past or present Federal Employee, or any consultant, is directly or indirectly involved in investigations or other enforcement activities, is a party, or is otherwise involved in an official capacity under the Act.

b. A record from this system may be disclosed to a Federal, State or local agency maintaining pertinent records, if necessary to obtain information relevant to a Department decision concerning the determination of initial or continuing eligibility for program benefits.

c. Records may be disclosed to a debt collection agency that DOL has contracted for collection services to recover indebtedness owed to the United States.

d. Department of Justice/General Accounting Office. Information may be forwarded to the General Accounting Office (GAO), and/or the DOJ as prescribed in the Joint Federal Claims Collections Standards (4 CFR ch. II). When debtors fail to make payment through normal collection routine, the file is analyzed to determine the feasibility of enforced collection by

referring the cases to the Department of Justice (DOJ) for litigation.

e. Other Federal Agencies:

(1) Pursuant to sections 5 and 10 of the Debt Collection Act of 1982, information relating to the implementation of the Debt Collection Act of 1982 may be disclosed to other Federal agencies to effect salary or administrative offsets.

(2) A record from this system may be disclosed to a Federal agency in response to its request in connection with the hiring/retention of an employee, the letting of a contract, or the issuance of a grant, license, or other benefit by the requesting agency, to the extent that the information is necessary and relevant to the requesting agency's decision on the matter.

f. Internal Revenue Service:

(1) Information contained in the system of records may be disclosed to the Internal Revenue Service to obtain taxpayer mailing addresses for the purpose of locating such taxpayer to collect, compromise, or write-off a Federal claim against the taxpayer.

(2) Information may be disclosed to the Internal Revenue Service concerning the discharge of an indebtedness owed by an individual.

g. Credit Bureaus: Information contained in the system of records may be disclosed to a credit bureau for the purpose of receiving commercial credit reports identifying the assets, liabilities, income and expenses of a debtor to ascertain the debtor's ability to pay a debt and to establish a payment schedule.

h. Telephone contacts: Disclosure to the claimant, a person who is duly authorized to act on his/her behalf, or to others to whom disclosure is authorized by these routine uses, of information contained in the file may be made over the telephone. Disclosure over the telephone will only be done where the requestor provides appropriate identifying information to OWCP personnel. Telephonic disclosure of information is essential to allow OWCP to efficiently perform its functions in adjudicating and servicing claims.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

The amount, status and history of overdue debts; the name and address, taxpayer identification (SSAN), and other information necessary to establish the identity of a debtor, the agency and program under which the claim arose, are disclosed pursuant to 5 U.S.C. 552a(b)(12) to consumer reporting agencies as defined by section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f)); or in accordance with section 3(d)(4)(A)(ii) of the Federal Claims

Collection Act of 1966 as amended (31 U.S.C. 3711(f) for the purpose of encouraging the repayment of an overdue debt.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Case file documents, both original and copies in manual files.

**RETRIEVABILITY:**

Coal miner's name and social security number, and claimant's name when different from miner's must be provided.

**SAFEGUARDS:**

Files located in restricted area of a Federal building under guard by security officers.

**RETENTION AND DISPOSAL:**

Approved claims files are destroyed 10 years after death of last beneficiary. Denied claims are destroyed 15 years after final denial.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Division of Coal Mine Workers' Compensation, Department of Labor Building, room C-3520, 200 Constitution Avenue, NW, Washington, DC 20210, and district office commissioners (see addresses in appendix I).

**NOTIFICATION PROCEDURE:**

Individuals wishing to inquire whether this system of records contains information about them should contact the system manager at the above address, or district office deputy commissioner (see addresses in appendix I). Individuals must furnish their name, the coal miner's social security number and signature.

**RECORD ACCESS PROCEDURE:**

Specific materials in this system have been exempted from Privacy Act provisions at 5 U.S.C. 522a(d), regarding access to records. The section of this notice titled "Systems Exempted from Certain Provisions of the Act" indicates the kinds of materials exempted and the reasons for exempting them from access. Individuals wishing to request access to non-exempt records should contact the appropriate office listed in the Notification Procedure section. Individuals must furnish their name, the coal miner's social security number and signature.

**CONTESTING RECORD PROCEDURES:**

Specific materials in this system have been exempted from Privacy Act provisions at 5 U.S.C. 552a(d), regarding

access to records. The section of this notice titled "Systems Exempted from Certain Provisions of the Act" indicates the kinds of materials exempted and the reasons for exempting them from access. Individuals wishing to request amendment of any non-exempt records should contact the appropriate office listed in the Notification Procedure section. Individuals must furnish their name, the coal miner's social security number and signature.

#### RECORD SOURCE CATEGORIES:

Claim form, medical reports, correspondence, investigative reports, employment reports; Federal and State agency records, any other record or document pertaining to a claimant or his dependent as it relates to the claimant's age, education, work history, marital history or medical condition. Commercial credit reports, personal financial statements, correspondence with the debtor, records relating to hearing on the debt, and from other DOL systems of records.

#### SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Investigative portion of system exempted from certain provisions of the act:

(a) Criminal law enforcement. In accordance with paragraph 3(j)(2) of the Privacy Act, information maintained in this system of files in the Office of Workers' Compensation Programs of the Employment Standards Administration is exempt from all provisions contained in 5 U.S.C. 552a except those requirements set forth in paragraphs (b), (c) (1) and (2), (e)(4) through (F), (e) (6), (7), (9), (10), and (11) and paragraph (i) of the Privacy Act. The disclosure of criminal investigatory information, if any, contained in the files, including the names of persons or agencies to whom the information has been transmitted would substantially compromise the effectiveness of any investigations. Knowledge of such investigations could enable subjects to take such action as necessary to prevent detection of criminal activities, conceal evidence, or to escape prosecution. Disclosure of this information could lead to the intimidation of, or harm to, informants, witnesses, and their respective families, and could jeopardize the safety and well-being of investigative personnel and their families.

(b) Other law enforcement. In accordance with paragraph 3(k)(2) of the Privacy Act, investigatory material compiled for law enforcement purposes other than material declared exempt under paragraph 3(j)(2) of the Privacy Act, which is maintained in this

system's files of the Office of Workers' Compensation Programs of the Employment Standards Administration is exempt from paragraphs (c)(3), (d), (e)(4), (G), (H), and (I), and paragraph (f) of 5 U.S.C. 552a. The disclosure of civil investigatory information, if any, contained in this system's files including but not limited to the names of persons and agencies to whom the information has been transmitted, would substantially compromise the effectiveness of investigations. Knowledge of such investigations would enable subjects to take such action as is necessary to prevent detection of illegal activities, conceal evidence, or otherwise escape civil enforcement action. Disclosure of this information could lead to the intimidation of, or harm to informants, witnesses, and their respective families, and in addition, could jeopardize the safety and well-being of investigative personnel and their families.

#### DOL/ESA-12

##### SYSTEM NAME:

Office of Workers' Compensation Programs, Black Lung X-ray Interpretation File.

##### SYSTEM CLASSIFICATION:

Unclassified.

##### SYSTEM LOCATION:

Office of Workers' Compensation Programs, Division of Coal Mine Workers' Compensation, Department of Labor Building 200 Constitution Ave., NW, Washington, DC 20210, and district offices (see addresses in appendix I).

##### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals filing claims for black lung (pneumoconiosis) benefits under the provisions of Title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended, including miners, and their surviving widows, children, dependent parents and siblings.

##### CATEGORIES OF RECORDS IN THE SYSTEM:

Records included are medical and personal (name, date of birth, SSN, claim type, miner's date of death).

##### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

30 U.S.C. 901 et seq., 20 CFR 715.1 et seq., 20 CFR 720.1 et seq., 20 CFR 725.1 et seq.

##### PURPOSE:

These records are used as medical documentation in the processing of claims for black lung (pneumoconiosis) benefits under the provisions of Title IV

of the Federal Coal Mine Health and Safety Act of 1969, as amended.

##### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. Disclosure to the mine operators who have been determined potentially liable for the claim at any time after report of the injury or report of the onset of occupational illness, or the filing of a notice of injury or claim related to such injury or occupational illness, also to any party providing the mine operators with workers' compensation insurance coverage for the purpose of determining liability for payments; State workers' compensation agencies and the Social Security Administration for the purpose of determining offsets as specified under the Act; doctors and medical services providers for the purpose of obtaining medical evaluations, physical rehabilitation or other services; other federal agencies for the purpose of conducting scientific research concerning the incidence and prevention of black lung disease; legal representatives for the purpose of claimant, responsible operator and program representation on contested issues; and labor unions and other voluntary employee associations of which the claimant is a member for the purpose of exercising an interest in claims of members as part of their service to the members.

b. A record from this system may also be disclosed to a Federal, State or local agency maintaining pertinent records, if necessary to obtain information relevant to a Department decisions concerning the determination of initial or continuing eligibility for program benefits.

c. Disclosure to the claimant, a person who is duly authorized to act on his/her behalf, or to others to whom disclosure is authorized by these routine uses, of information contained in the file may be made over the telephone. Disclosure over the telephone will only be done where the requestor provides appropriate identifying information to OWCP personnel. Telephonic disclosure of information is essential to allow OWCP to efficiently perform its functions in adjudicating and servicing claims.

##### DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Not applicable.

##### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

Manual files.

**RETRIEVABILITY:**

Coal miner's name and social security number.

**SAFEGUARDS:**

Files located in restricted area of a Federal building under guard by security officers.

**RETENTION AND DISPOSAL:**

Files are destroyed 17 years after final adjudication or denial.

**SYSTEM MANAGER(S) AND ADDRESS:**

Associate Director, Division of Coal Mine Workers' Compensation, Department of Labor Building, room C-3520, 200 Constitution Ave., NW., Washington, DC 20210, and district office deputy commissioners (see addresses in appendix I).

**NOTIFICATION PROCEDURE:**

Individuals wishing to inquire whether this system of records contains information about them should contact the system manager at the above address or district office deputy commissioner (see addresses in appendix I). Individuals must furnish their name, the coal miner's social security number and signature.

**RECORD ACCESS PROCEDURES:**

Individuals wishing to request access to their records should contact the appropriate office listed in the Notification Procedure section. Individuals must furnish their name, coal miner's social security number, and signature.

**CONTESTING RECORD PROCEDURES:**

Individuals wishing to request amendment of any record should contact the appropriate office listed in the Notification Procedure section. Individuals must furnish their name, the coal miner's social security number and signature.

**RECORD SOURCE CATEGORIES:**

Individual's medical records.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Not applicable.

**DOL/ESA-13****SYSTEM NAME:**

Office of Workers' Compensation Programs, Federal Employees' Compensation Act File.

**SECURITY CLASSIFICATION:**

Most files and data are unclassified. Some data and files have a Top Secret classification, but the rules concerning their maintenance and disclosure are determined by other Federal agencies.

**SYSTEM LOCATION:**

Central database is located at Computer Science Corporation, 11700 Montgomery Road, Beltsville, Maryland 20706. Case files and local databases are located at District Offices. See appendix 1, Responsible Officials, for District Office addresses.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

FECA benefit recipients are Federal employees injured or killed while in the performance of duty. In case of death, beneficiary records are maintained. In addition to Federal employees the FECA covers volunteers in the Civil Air Patrol, Peace Corps Volunteers, Job Corps Enrollees, Volunteers in Service to America, members of the National Teachers Corps, certain student employees, certain employees of the Alaska Railroad, members of the Reserve Officers Training Corps, and certain law enforcement officers not employed by the United States. Prior to January 1, 1957, the FECA also covered reservists in the Armed Forces of the United States. Also covered are various classes of persons who provide or have provided services to the Government of the United States.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records include reports of injury by employee and employing establishment, authorization for medical treatment, medical records, medical and transportation bills, compensation payment records, formal orders for or against payment of compensation, vital statistics such as birth, death, and marriage certificates, and information related to vocational rehabilitation plans and progress reports. The system may also contain information gathered in connection with investigations concerning possible violations of Federal law, whether civil or criminal, under the authorizing legislation and related Acts. Such information may be derived from materials filed with the Department of Labor, other Federal, State and local departments and agencies, court records, medical records, insurance records, records of employers, articles from publications, published financial data, corporate information, bank information, telephone data, statements of witnesses, information received from Federal, State, local and foreign regulatory and law enforcement organizations, and from other sources. This system also contains the work product of the Department of Labor and other government personnel and consultants involved in the investigations. Commercial credit reports of individuals indebted to the

United States, correspondence to and from the debtor, information or records relating to the debtor's current whereabouts, assets, liabilities, income and expenses, debtor's personal financial statements, and other information such as the nature, amount and history of a debt owed by an individual covered by this system, and other records and reports relating to the implementation of the Debt Collection Act of 1982, including any investigative reports or administrative review matters. The individual records listed herein are included only as pertinent or applicable to the individual employee or beneficiary.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 552 et seq.; 20 CFR 1.1 et seq.

**PURPOSE(S):**

These records provide information and verification about covered employees' work related injuries, on which entitlement to medical treatment and vocational rehabilitation, and entitlement to and computation of continuation of pay, compensation and survivors' benefits under the FECA, and certain other statutes, are based.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

a. Disclosure to any third-party named in a claim or representative acting on his/her behalf until the claim is adjudicated and all appeals are resolved; Federal agencies which employed the claimant at the time of the occurrence or recurrence of the injury of occupational illness; Federal, State or private rehabilitation agencies to whom the claimant has been referred for evaluation; physicians making an evaluation on behalf of OWCP or the claimant medical insurance plans or health and welfare plans which the claimant is covered by in instances where there is evidence of payment by OWCP for treatment of a medical condition which is not compensable or where there is evidence of payment by the medical insurance plan or health and welfare plan for treatment of a medical condition which may be compensable; and labor unions and other voluntary employee associations of which the claimant is a member for among other services provided to members, assistance with claims processing. Records are made available to other Federal agencies and State and local agencies conducting similar or related investigations, and to the Justice Department for that agency's determination regarding potential

litigation and during the course of actual litigation. Records may be disclosed to contractors providing automated data processing services for the Department of Labor, and may also be disclosed in any proceeding where the authorizing legislation is in issue, or in which the Secretary of Labor, any past or present Federal employee, or any consultant, is directly or indirectly involved in investigations or other enforcement activities, is a party, or is otherwise involved in an official capacity under the Act.

b. A record from this system may be disclosed to a Federal, State or local agency maintaining pertinent records, if necessary to obtain information relevant to a Departmental decision concerning the determination of initial or continuing eligibility for program benefits.

c. Records may be disclosed to a debt collection agency that DOL has contracted with for collection services to recover debts owed to the United States.

d. Records may be disclosed to the General Accounting Office (GAO) and/or the Department of Justice (DOJ) as prescribed in the Joint Federal Claims Collection Standards (4 CFR ch. II). When debtors fail to make payment through normal collection routines, the file is analyzed to determine the feasibility of enforced collection by referring the cases to the Department of Justice for litigation.

e. Records from this system may be disclosed to other Federal agencies.

(1) Pursuant to sections 5 and 10 of the Debt Collection Act of 1982, information relating to the implementation of the Debt Collection Act of 1982 may be disclosed to other Federal agencies to effect salary or administrative offsets.

(2) Records from this system may be disclosed to a Federal agency in response to its request in connection with the hiring or retention of an employee, the lettering of a contract, or the issuance of a grant, license, or other benefit by the requesting agency, to the extent that the information is necessary and relevant to the requesting agency's decision on the matter.

(3) Reports and other records are sent to all other agencies in order to support the billing of costs paid by DOL.

f. Records from this system may be disclosed to the Internal Revenue Service (IRS).

(1) Information contained in this system of records may be disclosed to the Internal Revenue Service to obtain taxpayer mailing addresses for the purpose of locating such taxpayer to collect, compromise, or write-off a Federal claim against the taxpayer.

(2) Information may be disclosed to the Internal Revenue Service concerning the discharge of a debt owed by an individual.

g. Since OWCP injury reports are used by all agencies to fulfill OSHA (Occupational Safety and Health Administration) reporting requirements (under agreement between OWCP and OSHA), records from this system may be used by them as part of any MIS system established under OSHA regulations to monitor health and safety.

h. Information contained in this system of records may be disclosed to a Credit Bureau for the purpose of receiving commercial credit reports identifying the assets, liabilities, expenses, and income of a debtor in order to ascertain the debtor's ability to pay a debt and in order to be able to establish a payment schedule.

Disclosure to the claimant, a person who is duly authorized to act on his/her behalf, or to others to whom disclosure is authorized by these routine uses, of information contained in the file may be made over the telephone. Disclosure over the telephone will only be done where the requestor provides appropriate identifying information to OWCP personnel. Telephonic disclosure of information is essential to allow OWCP to efficiently perform its functions in adjudicating and servicing claims.

#### DISCLOSURE TO CONSUMER REPORTING AGENCIES:

The amount, status and history of overdue debts, the name and address, taxpayer identification (SSAN), and other information necessary to establish the identity of a debtor, the agency and program under which the claim arose, may be disclosed pursuant to 5 U.S.C. 552a(b)(12) to consumer reporting agencies as defined by section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or in accordance with section 3(d)(4)(A)(ii) of the Federal Claims Collection Act of 1966 as amended (31 U.S.C. 3711(f)) for the purpose of encouraging the repayment of an overdue debt.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

Case files are maintained in manual files, security case files in locked cabinets, and FECA management information system information, chargeback file and other automated data are stored on computer discs or magnetic tapes which are stored in cabinets.

#### RETRIEVABILITY:

Files and automated data are retrieved after identification by coded file number which is cross-referenced to employee by name, employing establishment, and date and nature of injury. Files located in District Offices are identified by master index file, which is maintained in the National Office.

#### SAFEGUARDS:

Files and automated data are maintained under supervision of OWCP personnel during normal working hours—only authorized personnel may handle or disclose any information contained therein. Only personnel having security clearance may handle or process security files. After normal working hours, security files are kept in locked cabinets. All files and data are maintained in guarded Federal buildings.

#### RETENTION AND DISPOSAL:

All case files and automated data pertaining to the case files are destroyed 35 years after the case file has become inactive. Some related financial records are destroyed after 6 years and 3 months.

#### SYSTEM MANAGER(S) AND ADDRESS:

Director for Federal Employees' Compensation, Department of Labor Building, room S-3229, 200 Constitution Avenue, NW., Washington, DC 20210.

#### NOTIFICATION PROCEDURE:

An individual wishing to inquire whether this system of records contains information about him/her may write or telephone the OWCP District Office which services the State in which the individual resided or worked at the time the individual thinks he/she filed a claim, or the system manager. In order for a record to be located, the individual must provide his/her full name, FEC case number (if known), date of injury (if known), date of birth and Social Security number.

#### RECORD ACCESS PROCEDURES:

Specific materials in this system have been exempted from certain Privacy Act provisions at 5 U.S.C. 552a, regarding access to records. The section of this notice entitled "Systems Exempted From Certain Provisions of the Act" indicates the kind of materials exempted, and the reasons for exempting them from access. Any individual seeking access to non-exempt information about a case in which he/she is a party of interest may write or telephone the OWCP District Office where the case is located, or the system manager, and arrangement will

be made to provide review of the file, consonant with the routine uses specified above, and with the criteria and procedures for disclosure specified in 29 CFR subtitle A, §§ 70a.3-70a.6, and §§ 70a.9-70a.13.

#### CONTESTING RECORD PROCEDURES:

Specific materials in this system have been exempted from certain Privacy Act provisions at 5 U.S.C. 552a, regarding amendment of records. The section of this notice entitled "Systems Exempted From Certain Provisions of the Act" indicates the kind of materials exempted, and the reasons for exempting them. Any individual requesting amendment of non-exempt records should contact the appropriate office listed in the Notification Procedure section above. Individuals requesting amendment of records must comply with the Department's Privacy Act regulations at 29 CFR subtitle A, §§ 70a.1-70a.13.

#### RECORD SOURCE CATEGORIES:

Injured employees; beneficiaries; employing Federal agencies; other Federal agencies; physicians; hospitals; clinics; educational institutions; attorneys; Members of Congress; OWCP field investigations; State governments; commercial credit reports; agency investigative reports; debtor's personal financial statements; correspondence with the debtor; records relating to hearings on the debt; and other DOL systems of records; CA 45 and CA 135 at originating OWCP district office servicing injured employee's government agency.

#### SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

##### INVESTIGATORY PORTION OF SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

(a) *Criminal law enforcement.* In accordance with paragraph 3(j)(2) of the Privacy Act, information maintained in this system of records of the Office of Workers' Compensation Programs of the Employment Standards Administration, is exempt from all provisions contained in 5 U.S.C. 552a except those requirements set forth in paragraphs (b), (c) (1) and (2), (e)(4) (A) through (F), (e) (6), (7), (9), (10) and (11), and paragraph (i) of the Privacy Act. The disclosure of criminal investigatory information, if any, contained in the files, including the names of persons or agencies to whom the information has been transmitted would substantially compromise the effectiveness of any investigations. Knowledge of such investigations could enable subjects to take such action as is necessary to prevent detection of

criminal activities, conceal evidence or escape prosecution. Disclosure of this information could lead to the intimidation of, or harm to, informants and witnesses, and their respective families, and could jeopardize the safety and well-being of investigative personnel and their families.

(b) *Other law enforcement.* In accordance with paragraph 3(k)(2) of the Privacy Act, investigatory material compiled for law enforcement purposes other than material declared exempt under paragraph 3(j)(2) of the Privacy Act, which is maintained in this system of records of the Office of Workers' Compensation Programs of the Employment Standards Administration, is exempt from paragraphs (c)(3), (d), (e)(4) (G), (H) and (I), and paragraph (f) of 5 U.S.C. 552a. The disclosure of civil investigatory information, if any, contained in this system's files, including the names of persons and agencies to whom the information has been transmitted, would substantially compromise the effectiveness of investigations. Knowledge of such investigations could enable subjects to take such action as is necessary to prevent detection of illegal activities, conceal evidence or otherwise escape civil enforcement action. Disclosure of this information could lead to the intimidation of, or harm to, informants and witnesses, and their respective families, and in addition, could jeopardize the safety and well-being of investigative personnel and their families.

#### DOL/ESA-015

##### SYSTEM NAME:

Office of Workers' Compensation Programs, Longshore and Harbor Workers' Compensation Act Case Files.

##### SECURITY CLASSIFICATION:

Unclassified.

##### SYSTEM LOCATION:

Most case files are located in the district offices at the following addresses:

JFK Building—Government Center, room 1800, Boston, Massachusetts 02203.

ESA/OWCP/Longshore Division, 201 Varick Street, P.O. Box 249, New York, New York 10014-0249.

Gateway Building, room 15200, 3535 Market Street, P.O. Box 7336, Philadelphia, Pennsylvania 19104.

Federal Building, room 1026, 31 Hopkins Plaza, Baltimore, Maryland 21201.

Federal Building, room 212, 200 Granby Mall, Norfolk, Virginia 23510.

U.S. Post Office & Courthouse Building, room 139, 311 W. Monroe Street, Jacksonville, Florida 32201.

701 Loyola Avenue, room 13032, New Orleans, Louisiana 70113.

525 Griffin Street, room 100, Dallas, TX 75202.

One South Green Building, room 105, 12600 N. Featherwood Drive, Houston, Texas 77034.

Room 800, 230 South Dearborn Street, Chicago, Illinois 60604.

ESA/OWCP/Longshore Division, P.O. Box 3770, San Francisco, California 94119.

Box 50209, room 5108, 300 Ala Moana Boulevard, Honolulu, Hawaii 96850.

P.O. Box 3327, room 2525, 300 S. Ferry Street, Terminal Island, California 90731.

Federal Office Building, room 4010, 909 First Avenue, Seattle, Washington 98174.

1290 Upshur Street, NW., P.O. Box 56098, Washington, DC 20011.

Cases involving special issues may be temporarily in the National Office at 200 Constitution Avenue, NW., room C4315, Washington, DC 20210.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees injured or killed while working in private industry who are covered by the provisions of the Longshore and Harbor Workers' Compensation Act and related acts.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of injury by employees and employers; authorization for medical care, medical reports; medical and transportation bills; formal orders for or against payment of compensation, vocational rehabilitation plans, awards and progress reports; vital statistics such as birth, marriage, and death certificates; and enrollment and attendance records at educational institutions.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

33 U.S.C. 901 et seq. (20 CFR parts 701 et seq.); 36 D.C. Code 501 et seq.; 42 U.S.C. 1651 et seq.; 43 U.S.C. 1331 et seq.; 5 U.S.C. 8171 et seq.

#### PURPOSE(S):

To monitor the actions of insurance carriers, employers, and injured workers with respect to injuries reported under the Longshore and Harbor Workers' Compensation Act and related acts to ensure that eligible claimants receive appropriate benefits as provided by the Act.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosure to the employer at any time after report of the injury or report of the onset of the occupational illness, or the filing of a notice of injury or claim related to such injury or occupational illness and to any party providing the employer with workers' compensation insurance coverage since the employer and insurance carrier are parties-in-interest to all actions on a case; doctors and medical service providers for the purpose of obtaining medical evaluations, physical rehabilitation or other services; public or private rehabilitation agencies to whom the injured worker has been referred for vocational rehabilitation services so that they may properly evaluate the injured worker's experience, physical limitations and future employment capabilities. Records are made available to other Federal agencies and State and local agencies conducting similar or related investigations to verify whether prohibited dual benefits were provided, and to the Justice Department for that agency's determination regarding potential litigation and during the course of actual litigation. Records may be disclosed to contractors providing automated data processing services for the Department of Labor, and may also be disclosed in any proceeding where the Longshore and Harbor Workers' Compensation Act and related Acts are in issue, or in which the Secretary of Labor, any past or present Federal employee, or any consultant, is directly involved in investigations or other enforcement activities, is a party, or is otherwise involved in an official capacity under the Act. Records are made available to labor unions and other voluntary associations of which the claimant is a member or to an individual acting on behalf of the individual, and also to a congressional office in response to an inquiry made at the request of that individual, so that Congressional offices or representatives of the claimant may advise the claimant of pertinent actions taken in his case.

Disclosure to the claimant, a person who is duly authorized to act on his/her behalf, or to others to whom disclosure is authorized by these routine uses, of information contained in the file may be made over the telephone. Disclosure over the telephone will only be done where the requestor provides appropriate identifying information to OWCP personnel. Telephonic disclosure of information is essential to allow OWCP to efficiently perform its functions in adjudicating and servicing claims.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

Not applicable.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Case files are maintained in manual files and magnetic tapes.

**RETRIEVABILITY:**

Case files are retrieved after identification by coded file number, which is cross-referenced to injured worker by name.

**SAFEGUARDS:**

Files are maintained under supervision of OWCP personnel during normal working hours. Files and magnetic tapes are maintained in locked offices after normal working hours. Confidential passwords are required for access to automated records.

**RETENTION AND DISPOSAL:**

Time retained varies by type of case, ranging from destroy 20 years after case is closed for lost-time disability cases to destroy 6 years and 3 months after death of last possible beneficiary.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Division of Longshore and Harbor Workers' Compensation, room C-4315, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; and Assistant Deputy Commissioners at the location of the district offices listed above.

**NOTIFICATION PROCEDURE:**

Requests, including name, date of injury, employer at time of injury, and case file number, if known, should be addressed to the system manager listed above, at the office where the case is located.

**RECORD ACCESS PROCEDURES:**

Individuals wishing to request access to records should contact the system manager indicated above.

**CONTESTING RECORD PROCEDURE:**

Individuals wishing to contest the contents of a record should contact the System Manager. Generally, opinions are not subject to amendment, only facts.

**RECORD SOURCE CATEGORIES:**

The system obtains information from injured employees, their qualified dependents, employers, insurance carriers, physicians, medical facilities, educational institutions, attorneys, and State, Federal, and private vocational rehabilitation agencies.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Not applicable.

**DOL/ESA-024**

**SYSTEM NAME:**

Office of Workers' Compensation Programs, Longshore and Harbor Workers' Compensation Act Special Fund System.

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

Division of Longshore and Harbor Workers' Compensation, room C-4315, Department of Labor Building, 200 Constitution Avenue, NW., Washington, DC 20210.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons receiving compensation and related benefits under the Longshore and Harbor Workers' Compensation Act.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Medical and vocational rehabilitation reports, bills, vouchers and records of payment for compensation and related benefits, statements of employment status, and formal orders for payment of compensation.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

33 U.S.C. 901 et seq. (20 CFR parts 701 et seq.); 36 D.C. Code 501 et seq.; 42 U.S.C. 1651 et seq.; 43 U.S.C. 1331 et seq.; 5 U.S.C. 8171 et seq.

**PURPOSE(S):**

This system provides a record of payments to claimants, their qualified dependents, or providers of services to claimants from the Special Fund established pursuant to section 44 of the Act.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosure of payment information to employers and insurance carriers under the Longshore and Harbor Workers' Compensation Act since they are parties-in-interest to all actions on the case; doctors and medical service providers for the purpose of obtaining medical evaluations, physical rehabilitation or other services; public or private rehabilitation agencies to whom the injured worker has been referred for vocational rehabilitation services for the purpose of verifying payments made to those agencies. Records are made available to other Federal agencies and

State and local agencies conducting similar or related investigations, and to the Justice Department for the agency's determination regarding potential litigation and during the course of actual litigation. Records may be disclosed to contractors providing automated data processing services for the Department of Labor, and may also be disclosed in any proceeding where the Longshore and Harbor Workers' Compensation Act and related Acts are in issue, or in which the Secretary of Labor, any past or present Federal employee, or any consultant, is directly involved in investigations or other enforcement activities, is a party, or is otherwise involved in an official capacity under the Act. Records are made available to labor unions and other voluntary associations of which the claimant is a member or to an individual acting on behalf of the individual, and also to a congressional office in response to an inquiry made at the request of that individual, so that the congressional office or representative of the claimant may advise the claimant of pertinent actions taken in his case.

Disclosure to the claimant, a person who is duly authorized to act on his/her behalf, or to others to whom disclosure is authorized by these routine uses, of information contained in the file may be made over the telephone. Disclosure over the telephone will only be done where the requestor provides appropriate identifying information to OWCP personnel. Telephonic disclosure of information is essential to allow OWCP to efficiently perform its functions in adjudicating and servicing claims.

#### DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Not applicable.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

#### STORAGE:

Case files are maintained in manual files and magnetic tapes.

#### RETRIEVABILITY:

Files are retrieved after identification by injured worker's name.

#### SAFEGUARDS:

Files are maintained under supervision of OWCP personnel during normal working hours. Confidential passwords are required for access to automated records. Files and magnetic tapes are in the Federal office building.

#### RETENTION AND DISPOSAL:

Files are destroyed 7 years after last payment is made.

#### SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Division of Longshore and Harbor Workers' Compensation, room C-4315, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

#### NOTIFICATION PROCEDURE:

Requests, including name and case number, if known, should be addressed to system manager.

#### RECORD ACCESS PROCEDURES:

Individuals wishing to request access to records should contact the system manager indicated above.

#### CONTESTING RECORD PROCEDURE:

Individuals wishing to contest the contents of a record should contact the System Manager. Generally, opinions are not subject to amendment, only facts.

Same as above.

#### RECORD SOURCE CATEGORIES:

The system obtains information from injured employees, their qualified dependents, employers, insurance carriers, physicians, medical facilities, educational institutions, attorneys, and State, Federal, and private vocational rehabilitation agencies.

#### SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Not applicable.

#### DOL/ESA-25

#### SYSTEM NAME:

Office of Federal Contract Compliance Programs Management Information System (OFCCP/MIS).

#### SECURITY CLASSIFICATION:

Unclassified.

#### SYSTEM LOCATION:

Room C3325, Department of Labor Building, 200 Constitution Avenue, NW., Washington, DC 20210; Computer Science Corporation, 11700 Montgomery Road, Beltsville, MD 20705.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals filing complaints of employment discrimination by Federal contractors and persons outside the agency who correspond with agency officials, managers, and staff.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Individual complaints, Federal procurement data (listing of Federal contractors and contract information), listings of contractor's establishments, records of enforcement/litigation actions.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11246, as amended; The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 2012, Section 503 of the Rehabilitation Act of 1973, as amended.

#### PURPOSE:

To maintain information and to provide information to other Federal agencies, Congressional staff and/or to an individual in response to a request from that agency or person regarding information gathered during the course of OFCCP's operations.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure to the Equal Employment Opportunity Commission, Department of Justice, to other Federal, State or local agencies with consistent jurisdiction over a complaint, for investigatory, conciliation or enforcement purposes; to Federal contractors, subcontractors, or federally-assisted construction contractors or subcontractors against whom a complaint is filed, including providing a copy of the complaint or a complaint summary for purposes of notice and/or under applicable internal review procedures; during an investigation to persons who may have knowledge pertinent to the complaint, but only to the extent necessary to determine the validity of complaint charges.

#### DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

#### STORAGE:

Manual files for working copies of source documents and magnetic tapes and disks for central computer processing.

#### RETRIEVABILITY:

By name, OFCCP control number, contractor establishment number.

#### SAFEGUARDS:

Files are locked except during working hours, and only authorized personnel have access to files. Computer systems are restricted to authorized operators and each subsystem has multiple layers of password protection depending upon sensitivity of data.

**RETENTION AND DISPOSAL:**

Inactive records retained in system for two years from last date of action on record before being purged to history files where they are stored for three years. Transfer to FARC and scratch 5 years after transfer.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, OFCCP, room C-3325, 200 Constitution Avenue, NW., Washington, DC 20210

**NOTIFICATION PROCEDURE:**

Individuals wishing to inquire whether this system of records contains information about them should contact the system manager, the office's regional office servicing the state where they are employed (see list of the office's regional office addresses in appendix I), or their employing agency's personnel office.

**RECORD ACCESS PROCEDURES:**

Specific materials in this system have been exempted from Privacy Act provisions at 5 U.S.C. 552a(d), regarding access to records. Individuals wishing to request access to non-exempt records should contact the appropriate office listed in appendix I.

**CONTESTING RECORD PROCEDURES:**

Specific materials in this system have been exempted from Privacy Act provisions at 5 U.S.C. 552a(d) regarding amendment of records. The section of this notice titled "Systems Exempted from Certain Provisions of the Act" indicates the kinds of materials exempted and the reasons for exempting them from amendment. Individuals wishing to request amendment of any non-exempt records should contact appropriate office listed in the appendix.

**RECORD SOURCE CATEGORIES:**

Individuals, correspondents, Federal contractors, Federal Procurement Data Center, OFCCP personnel working in area, regional, and national office organizational components, Solicitor of Labor in regional and national offices, Department of Justice, and Equal Employment Opportunity Commission.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

In accordance with paragraph (k)(2) of the Privacy Act, these files have been exempted from section (d), 4(G), 4(H), and (f) of the Act. The disclosure of information contained in these files may in some circumstances tend to discourage persons who have knowledge of facts and circumstances pertinent to charges from giving statements or co-operating in investigations. In addition, disclosure of

medical records contained in these files may adversely affect the health of individuals without guidance of a responsible physician.

**DOL/ESA-25****SYSTEM NAME:**

Office of Workers' Compensation Programs, Longshore and Harbor Workers' Compensation Act Investigation Files.

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

Most case files are located in the district offices at the following addresses:

JFK Building—Government Center, room 1800, Boston, Massachusetts 02203.  
ESA/OWCP/Longshore Division, P.O. Box 249, New York, New York 10014-0249.

Gateway Building, room 15200, 3535 Market Street, P.O. Box 7336, Philadelphia, Pennsylvania 19104.

Federal Building, room 1026, 31 Hopkins Plaza, Baltimore, Maryland 21201.

Federal Building, room 212, 200 Granby Mall, Norfolk, Virginia 23510.

U.S. Post Office & Courthouse Building, room 139, 311 W. Monroe Street, Jacksonville, Florida 32201.

701 Loyola Avenue, room 13032, New Orleans, Louisiana 70113.

One South Green Building, room 105, 12600 N. Featherwood Drive, Houston, Texas 77034.

Room 800, 230 South Dearborn Street, Chicago, Illinois 60604.

ESA/OWCP/Longshore Division, Box 3770, San Francisco, California 94119.

Box 50209, room 5108, 300 Ala Moana Boulevard, Honolulu, Hawaii 96850.

P.O. Box 3327, room 2525, 300 S. Ferry Street, Terminal Island, California 90731.

Federal Office Building, room 4010, 909 First Avenue, Seattle, Washington 98174.

1200 Upshur Street, NW., P.O. Box 56098, Washington, DC 20011.

Cases involving special issues may be temporarily in the National Office at 200 Constitution Avenue, NW., room C4315, Washington, DC 20210.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals filing claims for workers' compensation benefits under the Longshore and Harbor Workers' Compensation Act as amended and extended (33 U.S.C. 901 et seq.); individuals providing medical and other services to the Division; employees of insurance companies and of medical and other services providers to

claimants; and other persons suspected of violations of law under the Act, including related civil and criminal provisions.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records which contain information gathered in connection with investigations concerning possible violations of Federal law, whether civil or criminal, under the Longshore and Harbor Workers' Compensation Act and related Acts. Such information may be derived from materials filed with the Department of Labor, other Federal, State and local departments and agencies, court records, medical records, insurance records, records of employers, articles from publications, published financial data, corporate information, bank information, telephone data, statements of witnesses, information received from Federal, State, local, and foreign regulatory and law enforcement organizations, and from other sources. This record also contains the work product of the Department of Labor and other government personnel and consultants involved in the investigations.

**AUTHORITY FOR MAINTENANCE OF SYSTEM:**

33 U.S.C. 901 et seq. (20 CFR parts 701 et seq.); 36 D.C. Code 501 et seq.; 42 U.S.C. 1651 et seq.; 43 U.S.C. 1331 et seq.; 5 U.S.C. 8171 et seq.

**PURPOSE(S):**

To determine possible violations of Federal law, whether civil or criminal, in connection with reported injuries under the Longshore and Harbor Worker's Compensation Act and its extensions.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Records are made available to other Federal agencies and State and local agencies conducting similar or related investigations, and to the Justice Department for that agency's determination regarding potential litigation and during the course of actual litigation. Records may be disclosed to contractors providing automated data processing services for the Department of Labor, and may also be disclosed in any proceeding where the Longshore and Harbor Workers' Compensation Act and related Acts are in issue, or in which the Secretary of Labor, any past or present Federal employee, or any consultant, is directly or indirectly involved in investigations or other enforcement activities, is a party, or is otherwise involved in an official capacity under the Act.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

Not applicable.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Records are maintained in manual files.

**RETRIEVABILITY:**

Records are retrieved by name of individual being investigated.

**SAFEGUARDS:**

Access to and use of these records are limited to those persons whose official duties require such access.

**RETENTION AND DISPOSAL:**

Time retained varies by type of compensation case involved, and the investigative file is retained according to the same schedule as the particular compensation case to which it relates. For example, if the investigative file is about a lost-time case, it is transferred to the Federal Records Center 2 years after the related compensation case is closed, and destroyed 20 years after the case is closed. If the investigative file is about a death case, it is retained in the office as long as there are qualified dependents, and destroyed 6 years, 3 months after final closing.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Division of Longshore and Harbor Workers' Compensation, room C-4315, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; and, Assistant Deputy Commissioners for the Division of Longshore and Harbor Workers' Compensation in each city listed in Systems Location section.

**NOTIFICATION PROCEDURE:**

Requests, including name of individual being investigated, should be addressed to the System Manager.

**RECORD ACCESS PROCEDURES:**

Individuals wishing to request access to records should contact the System Manager indicated above.

**CONTESTING RECORD PROCEDURE:**

Individuals wishing to contest the contents of a record should contact the System Manager. Generally, opinions are not subject to amendment, only facts.

**RECORD SOURCE CATEGORIES:**

Records from Division claim and payment files (DOL/ESA-015 and 024) and from employees, insurers, service providers; and information received

from parties leading to the opening of an investigation, or developed as a product of interviews held during the course of an investigation.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

(a) *Criminal law enforcement.* In accordance with paragraph 3(j)(2) of the Privacy Act, information maintained in investigation files in the Division of Longshore and Harbor Workers' Compensation of the Office of Workers' Compensation Programs of the Employment Standards Administration is exempt from all provisions contained in 5 U.S.C. 552a, except those requirements set forth in paragraphs (b), (c) (1) and (2), (e)(4) (A) through (F), (e) (6), (7), (9), (10), and (11) and paragraph (i) of the Act. The disclosure of information contained in the criminal investigative files, including the names of persons or agencies to whom the information has been transmitted, would substantially compromise the effectiveness of investigations. Knowledge of such investigations could enable subjects to take such action as necessary to prevent detection of criminal activities, conceal evidence, or to escape prosecution. Disclosure of this information could lead to the intimidation of, or harm to, informants, witnesses, and their respective families, and could jeopardize the safety and well-being of investigative personnel and their families. Premature disclosure of this information would impede significantly the effectiveness of the investigatory activities, and in addition, may often preclude the apprehension and successful prosecution of persons engaged in fraud of the Longshore and Harbor Workers' compensation program.

(b) *Other law enforcement.* In accordance with paragraph 3(k)(2) of the Privacy Act, investigatory material compiled for law enforcement purposes other than material declared exempt under paragraph 3(j)(2) of the Act, which is maintained in the investigation files of the Division of Longshore and Harbor Workers' Compensation of the Office of Workers' Compensation Programs of the Employment Standards Administration, is exempt from paragraphs (c)(3), (d), (e)(4) (G), (H), and (I), and paragraph (f) of 5 U.S.C. 552a. The disclosure of information contained in civil investigative files, including the names of persons and agencies to whom the information has been transmitted, would substantially compromise the effectiveness of the investigations. Knowledge of such investigations would enable subject to take such action as is necessary to prevent detection of illegal

activities, conceal evidence, or otherwise escape civil enforcement action. Disclosure of this information could lead to the intimidation of or harm to informants, witnesses, and their respective families, and in addition, could jeopardize the safety and well-being of investigative personnel and their families.

**DOL/ESA-27****SYSTEM NAME:**

Debarred Longshore Act Claimant Representatives.

**SECURITY CLASSIFICATION:**

All files and data are unclassified.

**SYSTEM LOCATION:**

Division of Longshore and Harbor Workers' Compensation, Office of Workers' Compensation Programs, Washington, DC 20210, and the various area and district offices of the Office of Workers' Compensation Programs set forth in the appendix.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals alleged to have violated the provisions of the Longshore and Harbor Workers' Compensation Act and its implementing regulations relating to representation of claimants/beneficiaries before the Department of Labor, those found to have committed such violations and who have been disqualified, and those who are investigated but not disqualified. This system would also include information on those persons who have been reinstated as qualified claimant representatives.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records in the system will consist of information such as the representative's name and address, the names and addresses of affected claimants/beneficiaries, copies of relevant documents obtained from claimant/beneficiary files relating to the issue of representation; all documents received as a result of the investigation of and/or hearing on the alleged violation of the Longshore Act and/or its regulations relating to representation, including investigations conducted by the DOL Office of Inspector General or other agency; and copies of documents notifying the representative and other interested persons of the disqualification.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Longshore and Harbor Workers' Compensation Act, 33 U.S.C. 931(b)(2)(B).

**PURPOSE(S):**

These records provide information on activities—including billing—relating to representation of claimant/beneficiaries, including documents relating to the debarment of representatives under other Federal or state programs. The information is used in any debarment action initiated under the Longshore Act.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Information in the system may be disclosed to a claimant/beneficiary that his/her representative has been disqualified from further representation under the Longshore Act. Information concerning the disqualification of claimant representative(s) may also be disclosed to employers or insurance carriers, employees who request information as to the qualification of person(s) to act as a claimant representative under the Act, to state bar disciplinary authorities, and to the general public. Records are made available to other Federal agencies and state and local agencies conducting similar or related investigations, and to the Justice Department in that agency's determination regarding potential litigation and during the course of actual litigation. Records may be disclosed to contractors providing automated data processing services for the Department of Labor, and may also be disclosed in any proceeding where the authorizing legislation is in issue, or in which the Secretary of Labor, any past or present Federal employee, or any consultant, is directly or indirectly involved in investigations or other enforcement activities, is a party to, or is otherwise involved in an official capacity under the Act.

A record from this system may also be disclosed as a "routine use" to a Federal, state or local agency maintaining pertinent records, if necessary to obtain information relevant to a Departmental decision relating to debarment actions.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

The amount, status and history of overdue debts, name and address, taxpayer identification (SSAN), and other information necessary to establish the identity of a debtor, the agency, and the program under which the claim arose, may be disclosed pursuant to 5 U.S.C. 552a(b)(12) to consumer reporting agencies as defined by section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or in accordance with section 3(d)(4)(ii) of the Federal Collection Act

of 1966 as amended (31 U.S.C. 3711(f)) for the purpose of encouraging the repayment of an overdue debt.

**POLICIES AND PROCEDURES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THIS SYSTEM:****STORAGE:**

The lists are maintained manually, on magnetic tapes or other computer storage media, or on computer printouts. The information collected in connection with complaints is kept in manual files.

**RETRIEVABILITY:**

The records are maintained by the name of the representative.

**SAFEGUARDS:**

Access to the lists of disqualified representations is not restricted. Records concerning complaints are stored in locked file cabinets.

**RETENTION AND DISPOSAL:**

The lists are retained and continually updated. Information concerning complaints is not disposed of.

**SYSTEMS MANAGER(S) AND ADDRESS:**

Associate Director for Longshore and Harbor Workers' Compensation Act, Rm. C-4315, United States Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, and District Offices set forth in the appendix.

**NOTIFICATION PROCEDURE:**

Associate Director for Longshore and Harbor Workers' Compensation Act, Rm. C-4315, United States Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, and District Offices set forth in the appendix.

**RECORD ACCESS PROCEDURES:**

Associate Director for Longshore and Harbor Workers' Compensation Act, Rm. C-4315, United States Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, and District Offices set forth in the appendix.

**CONTESTING RECORD PROCEDURE:**

DOL rules and regulations for contesting and record contents disclosure, and for appealing same, are promulgated at 29 CFR 70a.9.

**RECORD SOURCE CATEGORIES:**

Information in this system is obtained from employees, employers, insurance carriers, members of the public, agency investigative reports, correspondence and records relating to proceedings under the Longshore Act or other workers' compensation statutes, and from other DOL systems of records.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

In accordance with paragraph 3(K)(2) of the Privacy Act, investigative material compiled for law enforcement purposes which is maintained in the investigation files of the Division of Longshore and Harbor Workers' Compensation of the Office of Workers' Compensation Programs of the Employment Standards Administration is exempt from paragraphs (c)(3), (d), (e)(4) (G), (H), and (I), and paragraph (f) of 5 U.S.C. 552a. The disclosure of information contained in civil investigative files, including the names of persons and agencies to whom the information has been transmitted, would substantially compromise the effectiveness of the investigation. Knowledge of such investigations would enable subjects to take such action as is necessary to prevent detection of illegal activities, conceal evidence, or otherwise escape civil enforcement action. Disclosure of this information could lead to the intimidation of or harm to informants, witnesses, and their respective families, and could jeopardize the safety and well-being of investigative personnel and their families.

**DOL/ESA-28****SYSTEM NAME:**

Physicians and Health Care Providers Excluded under the Longshore Act.

**SECURITY CLASSIFICATION:**

All files and data are unclassified.

**SYSTEM LOCATION:**

Division of Longshore and Harbor Workers' Compensation, Office of Workers' Compensation Programs, Washington, DC 20210; and various area and District Offices of the Office of Workers' Compensation Programs listed in the appendix.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Providers of medical goods and services, including physicians, hospitals, and providers of medical support services or supplies excluded or considered for exclusion from payment under the Longshore Act, 33 U.S.C. 907(c).

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Copies of letters, lists, and documents from Federal and state agencies concerning the administrative debarment of providers from participation in programs providing benefits similar to those of the Federal Employees' Compensation Act and their

reinstatement; materials concerning possible fraud or abuse which could lead to exclusion of a provider; documents relative to reinstatement of providers; materials concerning the conviction of providers for fraudulent activities in connection with any Federal or state program for which payments are made to providers for similar medical services; all letters, memoranda, and other documents regarding the consideration of a provider's exclusion, the actual exclusion, or reinstatement under the provisions of 20 CFR 702.431 *et seq.*; copies of all documents in a claimant's file relating to medical care and/or treatment, including bills for such services; as well as letters, memoranda, and other documents obtained during investigations, hearings, and other administrative proceedings concerning exclusion for fraud or abuse, as well as reinstatement, and recommendations and decisions; lists of excluded providers released by the OWCP.

#### **AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Longshore and Harbor Workers' Compensation Act, 33 U.S.C. 901, 907(c).

#### **PURPOSE(S):**

These records provide information on treatment, billing and other aspects of a medical provider's actions, and/or documentation relating to the debarment of the medical care provider under another Federal or state program. The information is used in any debarment action initiated under the Longshore Act.

#### **ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

Disclosure of the name, address, telephone number, tax identification or Social Security Number, violation, etc., to identify the excluded or reinstated provider to Government agencies, individuals, claimant patients and beneficiary patients, employers, and insurance companies and others to ensure that authorization is not issued nor payment made to an excluded provider; circulation of a list of excluded providers that may include names, addresses, telephone, Employer Identification Number, or Social Security Number (if necessary for the purpose) in order to ensure that authorization or payment will not be made to a provider excluded under the Act, and regulations to ensure that affected persons be informed of the reinstatement of providers; disclosure of information of record to insurance carriers, federal, state or local

government agencies, State Licensing Boards, and private organizations or individuals in order to obtain information necessary to further identify a provider, the nature of a violation, the penalty, and/or any other information considered necessary to ensure that the list of excluded providers is correct, useful, and updated as appropriate. Records are made available to other federal agencies and state and local agencies conducting similar or related investigations, and to the Justice Department in the agency's determination regarding potential litigation and during the course of actual litigation.

Records may be disclosed to contractors providing automated data-processing services for the Department of Labor, and may also be disclosed in any proceeding where the authorizing legislation is in issue, or in which the Secretary of Labor, any past or present federal employee, or any consultant, is directly or indirectly involved in investigations or other enforcement activities, is a party, or is otherwise involved in an official capacity under the Act.

A record from this system may also be disclosed as a "routine use" to federal, state or local agency maintaining pertinent records, if necessary to obtain information relevant to a Departmental decision relating to debarment actions.

#### **DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

The amount, status and history of overdue debts, name and address, taxpayer identification (SSAN) and other information necessary to establish the identity of a debtor, the agency, and the program under which the claim arose, may be disclosed pursuant to 5 U.S.C. 552a(b)(12) to consumer reporting agencies as defined by section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or in accord with section 3(d)(4)(ii) of the Federal Collection Act of 1966 as amended (31 U.S.C. 3711(f)) for the purpose of encouraging the repayment of an overdue debt.

#### **POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

##### **STORAGE:**

The records are in manual files, magnetic tapes or other computer storage media, or on computer printouts.

##### **RETRIEVABILITY:**

Material is maintained by the name of the provider.

#### **SAFEGUARDS:**

Material in the possession of the Office of Workers' Compensation Programs and its contractors will be, when not in use, kept in closed file cabinets, appropriate lockers and storage areas, etc. This does not include the listings of excluded physicians and medical providers distributed by the OWCP which are required to be disclosed.

#### **RETENTION AND DISPOSAL:**

This is a new system of records, and retention periods have not yet been made final.

#### **SYSTEM MANAGER(S) AND ADDRESS:**

Director for Longshore and Harbor Workers' Compensation Act, Rm. C-4315, United States Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, and District Offices set forth in the appendix.

#### **NOTIFICATION PROCEDURE:**

Director for Longshore and Harbor Workers' Compensation Act, Rm. C-4315, United States Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, and District Offices set forth in the appendix.

#### **RECORD ACCESS PROCEDURE:**

Director for Longshore and Harbor Workers' Compensation Act, Rm. C-4315, United States Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, and District Offices set forth in the appendix.

#### **CONTESTING RECORD PROCEDURES:**

DOL rules and regulations for contesting any record contents disclosure, and for appealing same, are promulgated at 29 CFR 70a.9.

#### **RECORD SOURCE CATEGORIES:**

Information in this system is obtained from federal, state, and local agencies, state licensing boards, private enterprises, insurance carriers, public documents, and newspapers, as well as from other sources furnishing exclusion from participation in the Longshore Act program; investigation reports, claimant and representative submissions, and hearing transcripts, as well to correspondence and records relating to reinstatement or exclusion from payment under the program or to a hearing or other administrative action taken pursuant to the Act and regulations.

#### **SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

In accordance with paragraph 3(K)(2) of the Privacy Act, investigative

material compiled for law enforcement purposes which is maintained in the investigation files of the Division of Longshore and Harbor Workers' Compensation of the Office of Workers' Compensation Programs is exempt from paragraphs (c)(3), (d), (e)(4)(G), the names of persons and agencies to whom the information has been transmitted, would substantially compromise the effectiveness of the investigation. Knowledge of such investigations would enable subjects to take such action as is necessary to prevent detection of illegal activities, conceal evidence, or otherwise escape civil enforcement action. Disclosure of this information could lead to the intimidation of or harm to informants, witnesses, and their respective families, and could jeopardize the safety and well-being of investigative personnel and their families. The imposition of certain restrictions on the manner in which investigative information is collected, verified, and retained could also significantly impede the effectiveness of the investigative activities.

#### **DOL/ESA-29**

##### **SYSTEM NAME:**

Physicians and Health Care Providers Excluded under the Federal Employees' Compensation Act.

##### **SECURITY CLASSIFICATION:**

All files and data are unclassified.

##### **SYSTEM LOCATION:**

The Division of Federal Employees' Compensation, Office of Workers' Compensation Programs, Washington, DC; and the various area and district offices of the Office of Workers' Compensation Programs listed in the appendix.

##### **CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Providers of medical goods and services, including physicians, hospitals, and providers of medical support services or supplies excluded or considered for exclusion from payment under the Federal Employees' Compensation Act for fraud or abuse (20 CFR 10.450-457).

##### **CATEGORIES OF RECORDS IN THE SYSTEM:**

Copies of letters, lists and documents from Federal and state agencies concerning the administrative debarment of providers from participation in programs providing benefits similar to those of the Federal Employees' Compensation Act and their reinstatement; materials concerning possible fraud or abuse which could lead to exclusion of a provider;

documents relative to reinstatement of providers, materials concerning the conviction of providers for fraudulent activities in connection with any Federal or state program for which payments are made to providers for similar medical services; all letters, memoranda, and other documents regarding the consideration of a provider's exclusion, the actual exclusion, or reinstatement under the provisions of 20 CFR 10.450-10.457; copies of all documents in a claimant[s] file relating to medical care and/or treatment including bills for such services, as well as letters, memoranda, and other documents obtained during investigations, hearings and other administrative proceedings concerning exclusion for fraud or abuse, as well as reinstatement, along with recommendations and decisions; lists of excluded providers released by the OWCP.

##### **AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Federal Employees' Compensation Act (5 U.S.C. 8101 *et seq.*), and title 20, Code of Federal Regulations, part 10.

##### **PURPOSE(S):**

These records provide information on treatment, billing and other aspects of a medical provider's actions, and/or documentation relating to the debarment of the medical care provider under another Federal or state program. The information is used in any debarment action initiated under the Federal Employees' Compensation Act.

##### **ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

Disclosure of the name, address, telephone number, tax identification or Social Security Number, violation, etc., to identify the excluded or reinstated provider to Government agencies, individuals, claimant patients and beneficiary patients and others to assure that authorization is not issued nor payment made to an excluded provider; circulation of a list of excluded providers that may include names, addresses, telephone numbers, Employer Identification Numbers, or Social Security numbers (if necessary for the purpose) in order to assure that authorization or payment will not be made to a provider excluded under the regulations and to assure that affected persons are informed of the reinstatement of providers; disclosure of information of records to insurance carriers, Federal, state or local government agencies, state licensing boards, and private organizations or individuals in order to obtain information necessary to further identify

a provider, the nature of a violation, the penalty and/or any other information considered necessary to assure that the list of excluded providers is correct, useful, and updated as appropriate. Records are made available to other Federal agencies and state and local agencies conducting similar or related investigations, and to the Justice Department in that agency's determination regarding potential litigation and during the course of actual litigation.

Records may be disclosed to contractors providing automated data processing service for the Department of Labor, and may also be disclosed in any proceeding where the authorizing legislation is in issue, or in which the Secretary of Labor, any past or present Federal employee, or any consultant, is directly or indirectly involved in investigations or other enforcement activities, is a party, or is otherwise involved in an official capacity under the Act.

A record from this system may also be disclosed as a "routine use" to a Federal, state or local agency maintaining pertinent records, if necessary to obtain information relevant to a Departmental decision relating to debarment action.

##### **DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

The amount, status and history of overdue debts, the name and address, taxpayer identification (SSAN), and other information necessary to establish the identity of a debtor, the agency and program under which the claim arose, may be disclosed pursuant to 5 U.S.C. 552a(b)(12), to consumer reporting agencies as defined by section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f)), or in accordance with section 3(d)(4)(ii) of the Federal Claims Collection Act of 1966, as amended (31 U.S.C. 3711(f)) for the purpose of encouraging the repayment of an overdue debt.

##### **POLICIES AND PROCEDURES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

##### **STORAGE:**

The records are in manual files, magnetic tapes or other computer storage media, or on computer printouts.

##### **RETRIEVABILITY:**

Material is maintained either by the name of the provider, a case citation, or date of release.

**SAFEGUARDS:**

Material in the possession of the Office of Workers' Compensation Programs and its contractors will be, when not in use, kept in closed file cabinets, appropriate lockers and storage areas, etc. This does not include the listings of excluded physicians and medical providers distributed by the OWCP which are required to be disclosed.

**RETENTION AND DISPOSAL:**

This is a new system of records and retention periods have not yet been made final.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director for Federal Employees' Compensation, Rm. S-3229, United States Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, and the OWCP District Offices set forth in the appendix.

**NOTIFICATION PROCEDURE:**

Director for Federal Employees' Compensation, Rm. S-3229, United States Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, and the OWCP District Offices set forth in the appendix.

**RECORD ACCESS PROCEDURE:**

Associate Director for Federal Employees' Compensation, room S-3229, United States Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

**CONTESTING RECORD PROCEDURES:**

DOL rules and regulations for contesting or appealing any record contents disclosure are promulgated at 29 CFR 70a.9.

**RECORD SOURCE CATEGORIES:**

Information in this system is obtained from FECA case records, Federal, state and local agencies, state licensing boards, private enterprises, insurance carriers, public documents, newspapers, as well as from other sources furnishing evidence that a provider may have acted in a manner which merits exclusion from participation in the FECA program; investigation reports, claimant and representative submissions, hearing transcripts, as well as to correspondence and records relating to reinstatement or exclusion from payment under the program or to a hearing or other administrative action being taken pursuant to the regulations.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

In accordance with paragraph 3(k)(2) of the Privacy Act, investigatory material compiled for law enforcement

purposes which is maintained in the investigation files of the Office of Workers' Compensation Programs, is exempt from paragraphs (c)(3), (d), (e)(4)(G), (H), and (I), and paragraph (F) of 5 U.S.C. 552a. The disclosure of information contained in civil investigative files, including the names of persons and agencies to whom the information has been transmitted, would substantially compromise the effectiveness of the investigation. Knowledge of such investigations would enable subjects to take such action as is necessary to prevent detection of illegal activities, conceal evidence or otherwise escape civil enforcement action. Disclosure of this information could lead to the intimidation of, or harm to, informants and witnesses, and their respective families, and in addition could jeopardize the safety and well-being of investigative personnel and their families.

**DOL/ESA 30****SYSTEM NAME:**

Office of Workers' Compensation Programs, Black Lung Automated Support Package.

**SYSTEM CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

Office of Workers' Compensation Programs, Division of Coal Mine Workers' Compensation, Department of Labor Building, 200 Constitution Ave., NW., Washington, DC 20210, and district offices (see addresses in appendix I).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals filing claims for black lung benefits; claimants receiving benefits; dependents of claimants and beneficiaries; medical providers; attorneys representing claimants; coal mine operators (workers' compensation insurance carriers).

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records included are personal (name, date of birth, SSN, claim type, miner's date of death); demographic (state, county, city, congressional district, zip code); mine employment history; medical disability; initial determination; conference results; hearing results; medical and disability payment history; accounting information including data on debts owed to the United States; Social Security Administration black lung benefit data; state workers' compensation claim and benefit data; coal mine operator names, addresses, states of operation and histories of insurance coverage; and medical service

providers names, addresses, license numbers, medical specialties, tax identifications and payment histories.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

30 U.S.C. 901 et seq., 20 CFR 715.1 et seq., 20 CFR 720.1 et seq., 20 CFR 725.1 et seq.

**PURPOSE(S):**

Provide access to data on claimants, beneficiaries and their dependents; attorneys representing claimants; medical service providers; coal mine operators and insurance carriers. Provide means of automated payment of medical and disability benefits. Maintain a history of medical bills submitted by beneficiaries and medical service providers. Maintain a history of disability benefit payments made to beneficiaries and medical benefit payments made to beneficiaries and medical service providers. Maintain program accounting information including information on debts owed to the United States. Provide a means for the automatic recoupment of overpayments made to beneficiaries and medical service providers.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

a. Disclosure to the mine operators who have been determined potentially liable for the claim at any time after report of the injury or report of the onset of occupational illness, or the filing of a notice of injury or claim related to such injury or occupational illness, also to any party providing the mine operators with workers' compensation insurance coverage for the purpose of determining liability for payments; State workers' compensation agencies and the Social Security Administration for the purpose of determining offsets as specified under the Act; doctors and medical services providers for the purpose of obtaining medical evaluations, physical rehabilitation or other services; other federal agencies for the purpose of conducting scientific research concerning the incidence and prevention of black lung disease; legal representatives for the purpose of claimant, responsible operator and program representation on contested issues; and labor unions and other voluntary employee associations of which the claimant is a member for the purpose of exercising an interest in claims of members as part of their service to the members.

Records are made available to other Federal agencies and State and local agencies conducting similar or related

investigations, and to the Justice Department in that agency's determination regarding potential litigation and during the course of actual litigation. Records may be disclosed to contractors providing automated data processing services for the Department of Labor, and may also be disclosed in any proceeding where the authorizing legislation is in issue, or in which the Secretary of Labor, any past or present Federal Employee, or any consultant, is directly or indirectly involved in investigations or other enforcement activities, is a party, or is otherwise involved in an official capacity under the Act.

b. A record from this system may be disclosed to a Federal, State or local agency maintaining pertinent records, if necessary to obtain information relevant to a Department decision concerning the determination of initial or continuing eligibility for program benefits.

c. Records may be disclosed to a debt collection agency that DOL has contracted for collection services to recover indebtedness owed to the United States.

d. Department of Justice/General Accounting Office. Information may be forwarded to the General Accounting Office (GAO), and/or the DOJ as prescribed in the Joint Federal Claims Collections Standards (4 CFR ch. II). When debtors fail to make payment through normal collection routines, the file is analyzed to determine the feasibility of enforced collection by referring the cases to the Department of Justice (DOJ) for litigation.

e. Other Federal Agencies.

(1) Pursuant to sections 5 and 10 of the Debt Collection Act of 1982, information relating to the implementation of the Debt Collection Act of 1982 may be disclosed to other Federal Agencies to effect salary or administrative offsets.

(2) A record from this system may be disclosed to a Federal Agency in response to its request in connection with the hiring/retention of an employee, the letting of a contract, or the issuance of a grant, license, or other benefit by the requesting agency, to the extent that the information is necessary and relevant to the requesting agency's decision on the matter.

f. Internal Revenue Service.

(1) Information contained in the system of records may be disclosed to the Internal Revenue Service to obtain taxpayer mailing addresses for the purpose of locating such taxpayer to collect, compromise, or write-off a Federal claim against the taxpayer.

(2) Information may be disclosed to the Internal Revenue Service concerning

the discharge of an indebtedness owed by an individual.

g. Credit Bureaus.

(1) Information contained in the system of records may be disclosed to a credit bureau for the purpose of receiving commercial credit reports identifying the assets, liabilities, income and expenses of a debtor to ascertain the debtor's ability to pay a debt and to establish a payment schedule.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

The amount, status and history of overdue debts; the name and address, taxpayer identification (SSAN), and other information necessary to establish the identity of a debtor, the agency and program under which the claim arose, are disclosed pursuant to 5 U.S.C. 552a(b)(12) to consumer reporting agencies as defined by section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f)); or in accordance with section 3(d)(4)(A)(ii) of the Federal Claims Collection Act of 1966 as amended (31 U.S.C. 3711(f) for the purpose of encouraging the repayment of an overdue debt.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Magnetic media. Medical bills and supporting medical reports transferred to microfilm and magnetic media.

**RETRIEVABILITY:**

Coal miner's name and social security number; medical provider number; coal mine operator number; insurance carrier number.

**SAFEGUARDS:**

Files secured in a guarded facility; teleprocessing access protected by restrictions on access to equipment and through use of encrypted passwords.

**RETENTION AND DISPOSAL:**

Permanent retention of magnetic media and microfilm. Medical bills and supporting medical reports are destroyed 6 years and 3 months after final adjudication.

**SYSTEM MANAGER(S) AND ADDRESS:**

Associate Director, Division of Coal Mine Workers' Compensation, Department of Labor Building, Room C-3520, 200 Constitution Ave., NW., Washington, DC 20210, and district office deputy commissioners (see addresses in appendix I).

**NOTIFICATION PROCEDURE:**

Individuals wishing to inquire whether this system of records contains

information about them should contact the system manager at the above address or district office deputy commissioner (see addresses in appendix I). Individuals must furnish their name, the coal miner's social security number and signature.

**RECORD ACCESS PROCEDURES:**

Specific materials in this system have been exempted from Privacy Act provisions at 5 U.S.C. 522a(d), regarding access to records. The section of this notice titled "Systems Exempted from Certain Provisions of the Act" indicates the kinds of materials exempted and the reasons for exempting them from access. Individuals wishing to request amendment of any non-exempt records should contact the appropriate office listed in the Notification Procedure section. Individuals must furnish their name, the coal miner's social security number and signature.

**CONTESTING RECORD PROCEDURES:**

Specific materials in this system have been exempted from Privacy Act provisions at 5 U.S.C. 522a(d), regarding access to records. The section of this notice titled "Systems Exempted from Certain Provisions of the Act" indicates the kinds of materials exempted and the reasons for exempting them from access. Individuals wishing to request amendment of any non-exempt records should contact the appropriate office listed in the Notification Procedure section. Individuals must furnish their name, social security number and signature.

**RECORD SOURCE CATEGORIES:**

Claim forms, medical reports, correspondence, investigative reports, employment records, any other record or document pertaining to a claimant or his dependents as it relates to the claimant's age, education, work history, marital history or medical condition. Commercial credit reports, personal financial statements, correspondence with the debtor, records relating to hearings on the debt, and from other DOL systems of records. Enrollment applications from providers of medical services. Medical bills submitted by the beneficiaries or medical service providers. Data exchanges with Federal, State or local agencies. Reports on liability coverage from coal mine operators and insurance carriers.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Investigatory portion of system exempted from certain provisions of the Act: (a) Criminal law enforcement. In accordance with paragraph 3(j)(2) of the

Privacy Act, information maintained in this system of files in the Office of Workers' Compensation Programs of the Employment Standards Administration is exempt from all provisions contained in 5 U.S.C. 552a except those requirements set forth in paragraphs (b), (c) (1) and (2), (e)(4) (A) through (F), (e) (6), (7), (9), (10), and (11) and paragraph (i) of the Privacy Act. The disclosure of criminal investigatory information, if any, contained in the files, including the names of persons or agencies to whom the information has been transmitted would substantially compromise the effectiveness of any investigations. Knowledge of such investigations could enable subjects to take such action as is necessary to prevent detection of criminal activities, conceal evidence, or to escape prosecution. Disclosure of this information could lead to the intimidation of, or harm to, informants, witnesses, and their respective families, and could jeopardize the safety and well-being of investigative personnel and their families. (b) Other law enforcement. In accordance with paragraph 3(k)(2) of the Privacy Act, investigatory material compiled for law enforcement purposes other than material declared exempt under paragraph 3(j)(2) of the Privacy Act, which is maintained in this system's files of the Office of Workers' Compensation Programs of the Employment Standards Administration is exempt from paragraphs (c)(3), (d), (e)(4) (G), (H), and (I), and paragraph (f) of 5 U.S.C. 552a. The disclosure of civil investigatory information, if any, contained in this system's files, including the names of persons and agencies to whom the information has been transmitted, would substantially compromise the effectiveness of investigations. Knowledge of such investigations would enable subjects to take such action as is necessary to prevent detection of illegal activities, conceal evidence, or otherwise escape civil enforcement action. Disclosure of this information could lead to the intimidation of, or harm to, informants, witnesses, and their respective families, and in addition, could jeopardize the safety and well-being of investigative personnel and their families.

**DOL/ESA-31****SYSTEM NAME:**

Office of Federal Contract Compliance Programs' Time Reporting Information System (TRIS).

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

Room C3325, Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; Computer Science Corporation, 11700 Montgomery Road, Beltsville, MD 20705; ten Regional offices, see appendix 1 for addresses.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Office of Federal Contract Compliance Programs' Equal Opportunity Specialists and Equal Opportunity Assistants.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Listing of hours utilized to perform OFCCP program responsibilities.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Executive Order 11246; 29 U.S.C. 793; 38 U.S.C. 793; 38 U.S.C. 2012; Section 503 of the Rehabilitation Act of 1973, as amended.

**PURPOSE:**

To provide OFCCP Managers with a viable means of tracking the number of hours used in performing OFCCP program responsibilities.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

This system was instituted for the purpose of tracking the number of hours utilized by Equal Opportunity Specialists and Equal Opportunity Assistants in performing their assigned program duties and responsibilities. It is an internal tracking system.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN SYSTEM:****STORAGE:**

Manual files for working copies of source documents and magnetic tapes and discs for central computer processing.

**RETRIEVABILITY:**

By identification numbers assigned to each Equal Opportunity Specialist and Equal Opportunity Assistant.

**SAFEGUARDS:**

Files are locked except during working hours, and only authorized personnel have access to files. Computer systems are restricted to authorized operators and each subsystem has multiple layers of password protection depending upon sensitivity of date.

**RETENTION AND DISPOSAL:**

Records retained in system for two years from last date of action on record before being purged to history files where they are stored for three years. Transfer to FARC five years after transfer.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, OFCCP, room C 3325, 200 Constitution Avenue, NW., Washington, DC 20210; Assistant Regional Administrators, OFCCP, see appendix 1 for addresses

**NOTIFICATION PROCEDURES:**

Individuals wishing to make inquiries regarding this system should contact the system manager, or the regional office servicing the state where they are employed (see list of the regional office addresses in appendix 1).

**RECORD ACCESS PROCEDURES**

Individuals wishing to request access to these records should contact the appropriate office listed in appendix 1.

**CONTESTING RECORD PROCEDURES:**

None.

**RECORD SOURCE CATEGORIES:**

OFCCP personnel working in area, regional and national offices.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**DOL/ESA-32****SYSTEM NAME:**

ESA Employee Conduct Investigations.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Office in the Employment Standards Administration National Office.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name, organization and other information relating to the individual involved. It also contains investigative report(s) associated with the case, including interviews and other confidential data gathered.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301.

**PURPOSE(S):**

These records are maintained to ensure that all appropriate records of problems, misconduct, illegal acts, conflicts of interest, etc., are retained and are available to agency, Departmental, or other Federal officials

having a need for the information in the performance of their official duties and to support actions taken based on the records.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosure to other Federal Agencies, including the Department of Justice, the FBI, and to any other Federal, State and local government responsible for investigation or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

The records are stored in file folders in metal cabinets.

**RETRIEVABILITY:**

Filed by name or other identifying code such as a case file number.

**SAFEGUARDS:**

The files are maintained in locked file cabinets with access only to those with a need to know the information to perform their duties.

**RETENTION AND DISPOSAL:**

Completed investigations are disposed of after 20 years. Matters not subject to full investigations are disposed of after 10 years.

**SYSTEM MANAGER AND ADDRESS:**

Division of Internal Management Control 200 Constitution Ave., NW, room N3468, Washington, DC 20210.

**NOTIFICATION PROCEDURE:**

Inquiries should be mailed or presented to the system manager noted at the address noted above.

**RECORD ACCESS PROCEDURES:**

As noted in notification procedure.

**CONTESTING RECORD PROCEDURES:**

As noted in notification procedure.

**RECORD SOURCE CATEGORIES:**

Hotline complaints through the Office of the Inspector General's hotline; hotline complaints through the General Accounting Office's hotline system; incident reports submitted by other employees; and investigative reports.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Under the specific exemption authority provided by U.S.C. 552a(k)(2),

exempting this system from the following provisions of the Privacy Act: 5 U.S.C. 552a(c), 3, (d), (e)(1), (4) (G), (H), (I), and (f) of the Act. Disclosure of information could enable the subject of the record to take action to escape prosecution and could avail the subject greater access to information than already provided under rules of discovery. In addition, disclosure of information might lead to intimidation of witnesses, informants, or their families, and impair future investigations by making it more difficult to collect similar information.

**DOL/ESA-33**

**SYSTEM NAME:**

Compliance Officer's Weekly Report.

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

Sixty-three District Offices, See Appendix 1 for addresses.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Wage and Hour Division Compliance Officers.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Listing of hours worked distributed among the various program activities.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 USC 301.

**PURPOSE:**

To provide Wage and Hour District Directors a method of monitoring the activities of Compliance Officers by providing a daily record of compliance officer activities including expenditure of hours by case, Act and non-case activity, and a record of leave taken.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

None.

**DISCLOSURE OF CONSUMER REPORT AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Original copy is maintained in manual files.

**RETRIEVABILITY:**

By name of compliance officer.

**SAFEGUARDS:**

Files are locked except during working hours. Only authorized personnel have access to files.

**RETENTION AND DISPOSAL:**

Records are retained in files for two years and then destroyed.

**SYSTEM MANAGERS AND ADDRESSES:**

Administrator, Wage and Hour Division, Room S-3502, Frances Perkins Building, 200 Constitution Avenue, NW, Washington, DC 20210; Regional Directors, Wage and Hour (see Appendix I for address).

**NOTIFICATION PROCEDURES:**

Individuals wishing to make inquiries regarding this system should contact the system manager, or the regional office servicing the state where they are employed (see list of the regional office addresses in Appendix I).

**RECORD ACCESS PROCEDURES:**

Individuals wishing to request access to these records should contact the appropriate office listed in Appendix I.

**CONTESTING RECORD PROCEDURES:**

Individuals wishing to request amendment of any nonexempt records should contact the appropriate office listed in Appendix I.

**RECORD SOURCE CATEGORIES:**

Wage and Hour personnel working in district and regional offices.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**DOL/ETA-1**

**SYSTEM NAME:**

Bureau of Apprenticeship and Training, Budget and Position Control File.

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

Employment and Training Administration (ETA), Bureau of Apprenticeship and Training (BAT), Frances Perkins Building, 200 Constitution Avenue, NW, Washington, DC 20210.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Federal employees currently employed by BAT.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Personnel records concerning grades and salaries.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301

**PURPOSE(S):**

For ready access in preparing management reports as required by the Employment and Training Administration, and controlling BAT FTE Ceiling (Full Time Equivalent) employment.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

None.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Kardex files.

**RETRIEVABILITY:**

By region, budget position number, and name of employee, on a manual basis.

**SAFEGUARDS:**

Access to and use of these records are limited to those persons whose official duties require such access.

**RETENTION AND DISPOSAL:**

Retained indefinitely for employment reference requests on former employees.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Bureau of Apprenticeship and Training, Employment and Training Administration, Frances Perkins Building, 200 Constitution Avenue, NW., room N-4649, Washington, DC 20210.

**NOTIFICATION PROCEDURE:**

See System Manager(s) and Address above.

**RECORD ACCESS PROCEDURES:**

See System Manager(s) and Address above.

**CONTESTING RECORD PROCEDURE:**

See System Manager(s) and Address above.

**RECORD SOURCE CATEGORIES:**

Personnel records, including SF-Form 50.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Not applicable.

**DOL/ETA-2****SYSTEM NAME:**

Bureau of Apprenticeship and Training, Program Management Group, Budget and Position Control File.

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

Employment and Training Administration, Bureau of Apprenticeship and Training, Frances Perkins Building, 200 Constitution Avenue, NW., room N-4649 Washington, DC 20210.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Regional employees currently employed by BAT.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Personnel records concerning grades and salaries, addresses and telephone numbers of employees, and copies of each position description in effect.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301.

**PURPOSE(S):**

For ready access in preparing management reports on equal employment opportunity (quarterly), for forecasting grade and salary reports; special reports such as the number of employees eligible for retirement, and special reports for Employment and Training Administration and the Congress.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

None.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Kardex files.

**RETRIEVABILITY:**

By region, budget position number, and name of employee, on a manual basis.

**SAFEGUARDS:**

Access to and use of these records are limited to those persons whose official duties require such access.

**RETENTION AND DISPOSAL:**

Maintained indefinitely. Frances Perkins Building, 200 Constitution Avenue, NW., room N-4649, Washington, DC 20210.

**NOTIFICATION PROCEDURE:**

Individuals seeking information concerning the existence of records or the contents of records on himself/herself should furnish a written request to the Director, Bureau of

Apprenticeship and Training, Employment and Training Administration, Frances Perkins Building, 200 Constitution Avenue, NW., room N-4649, Washington, DC 20210. The following information is needed for records to be located:

- Full name
- Date of birth
- Social Security number
- Occupation

**RECORD ACCESS PROCEDURES:**

See notification procedure above.

**CONTESTING RECORD PROCEDURES:**

See notification procedure above.

**RECORD SOURCE CATEGORIES:**

Personnel records including SF-Form 50.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Not applicable.

**DOL/ETA-4****SYSTEM NAME:**

Apprenticeship Management System (AMS)

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

Employment and Training Administration, Bureau of Apprenticeship and Training, Frances Perkins Building, 200 Constitution Avenue, NW., room N-4649, Washington, DC 20210; and Chicago, Illinois, Department of Labor Region V Data Center.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Apprentices/Trainees.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The categories of records include the following identifying information on apprentice/trainees such as social security number, ATR Code, program number, State Code, DOT Code, Job Title, name, birth date, sex, ethnic code, Veteran code, accession date, previous experience date, expected completion date, apprenticeship school link.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

The National Apprenticeship Act, also referred to as the Fitzgerald Act, 29 U.S.C 50.

**PURPOSE(S):**

Records of individual apprentice/trainee and apprenticeship/trainee program sponsors are used for the

operation and for the management of the apprenticeship system of training.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Records may be disclosed to SOICC (State Occupational Information Coordinating Committee) as basis for skill needs projection; to AFL-CIO, Joint Apprenticeship Committees and Nonjoint Apprenticeship Committees, and other apprenticeship sponsors to determine an assessment of skill needs and provide program information. To provide program information for SACs (State Apprenticeship Agencies) and other State/Federal agencies concerned with apprenticeship/training needs. To community organizations such as the Urban League, Opportunities Industrialization Centers, to utilize apprenticeship information in planning.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Direct Access Storage Devices (DASD); manual files. Magnetic tape is used for archived information.

**RETRIEVABILITY:**

Records are retrieved by the name or social security number of the apprentice/trainee by program type.

**SAFEGUARDS:**

Two levels of individual passwords for entry into the system. Locked computer room. Manual system: Locked file cabinet. During working hours, records are accessible only to authorized personnel.

**RETENTION AND DISPOSAL:**

Retain for five years and then destroy. Inactive programs are stored on magnetic tape and archived from online AMS file. Inactive and completed apprentices are maintained on tape indefinitely.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Bureau of Apprenticeship and Training, Employment and Training Administration, Frances Perkins Building, 200 Constitution Avenue, NW., room N-4649, Washington, DC 20210.

**NOTIFICATION PROCEDURE:**

Individuals seeking information concerning the existence of apprenticeship records or the contents of records on himself/herself should furnish a written request to the Director,

Bureau of Apprenticeship and Training, Employment and Training Administration, Frances Perkins Building, 200 Constitution Avenue, NW., room N-4649, Washington, DC 20210.

The following information is needed for records to be located:

- Full name
- Date of birth
- Social security number
- Occupation

**RECORD ACCESS PROCEDURES:**

See notification procedure above.

**CONTESTING RECORD PROCEDURE:**

See notification procedure above.

**RECORD SOURCE CATEGORIES:**

Apprentice/trainee and also Program Sponsor.

**SYSTEM EXEMPTED FROM CERTAIN PROVISION OF THE ACT:**

This system is not exempt.

**DOL/ETA-7**

**SYSTEM NAME:**

Employer Application File for Permanent and Temporary Alien Workers.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

ETA, USES, Division of Foreign Labor Certifications, Frances Perkins Building, 200 Constitution Avenue, NW., Washington, DC 20210; 10 Regional Offices.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Employers who file application for a certification to employ one or more alien workers on a permanent or temporary basis. The alien may be known or unknown.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Employers names, addresses, type and size of businesses, production data, number of workers needed in certain cases, offer of employment terms to known or unknown aliens, and background and qualifications of certain aliens.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Pub. L. 414, *Immigration and Nationality Act* as amended by Pub. L. 99-603, 8 USC 1182(a)(14), 1101(a)(15)(H), 1184(c), 1186, 8 CFR 214.2(h).

**PURPOSE(S):**

To maintain a record of applicants and actions taken by ETA on requests to employ alien workers.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Any and all materials pertinent to the alien certification program are disclosed to attorneys, employers, worker representatives, and aliens to review ETA actions; to participating agencies such as INS and State in connection with administering and enforcing related immigration laws and regulations; and to the Offices of Administration Law Judges and Federal Courts in connection with appeals of denials of certification requests.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

Disclosure provided in accordance with the FOIA and the Privacy Act.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

Manual files are stored in the national office, the 10 regional offices, and the office in Virgin Islands.

**RETRIEVABILITY:**

Records are maintained on all applications for alien employment certification filed by means of Immigration Case Record and Transmittal. PES form 71-30 (Rev. June 1968). Job offer applications are filed alphabetically by employer name, and applications by alien name if filed by alien on his own behalf.

**SAFEGUARDS:**

Access to records provided only to authorized personnel.

**RETENTION AND DISPOSAL:**

Retain case file in office for two years, transfer to a records center for disposition after two additional years.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief, Division of Foreign Labor Certifications, ETA, U.S. Employment Service, 200 Constitution Avenue, NW., Washington, DC 20210.

**NOTIFICATION PROCEDURE:**

As in System manager(s) and address.

**RECORD ACCESS PROCEDURES:**

As in System manager(s) and address.

**CONTESTING RECORD PROCEDURES:**

As in System manager(s) and address.

**RECORD SOURCE CATEGORIES:**

Information comes from the application form completed by employers and aliens.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**ETA-8****SYSTEM NAME:**

Job Corps Management Information System (JCMIS) File.

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

Job Corps Data Center, P.O. Box 1667, San Marcos, Texas 78666.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Job Corps enrollees and trainees.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Personal information about the trainees: Pre-enrollment status, such as number of months since enrolled in school, home address, etc.; characteristics, such as age, race/ethnic group, sex, etc.; summarization of basic education and vocational training received in Job Corps; and initial placement status (entry into employment, school, military service, or other status) after termination from the program.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

29 U.S.C 1691.

**PURPOSES:**

To provide information to users in order to assist them in the management of their programs; to provide descriptive information about the youth served by the programs and their outcomes; and to support evaluation and research about the Job Corps program and its enrollees.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:****ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM:**

(A) Generation of Statistical Reports, including Performance Standards Reports, and detailed listings of enrollees and trainees.

Purpose of such uses: To monitor progress of enrollees (as measured by overall average retention, reading and math gains, vocational program progress, placement outcomes, etc.) at the Job Corps centers, in order to identify and remedy areas of inadequate performance in program areas; detailed listings are used to ensure complete and accurate reporting about the enrollees and trainees.

(B) Supporting evaluation, demonstration and research projects approved by the Department of Labor

which require the use of detailed Job Corps enrollee data, such as development of regression model based performance standards and establishing base-line information for long-term follow-up of trainees.

Purpose of such uses: To determine the effectiveness of the overall Job Corps program and various Job Corps pilot projects which provide alternative means of providing training and support services.

(C) Providing information to the Selective Service System pertaining to male Job Corps enrollees aged 18 and over. Purpose of such uses: To facilitate the registration process by Job Corps center operators, and to facilitate registration verification by the Selective Service System.

**CATEGORIES OF USERS:**

(1) Program operators: Contractor staff which operate the outreach/screening and placement programs and the center training programs, at the field and headquarters levels; Federal staff in the Departments of Agriculture and the Interior which operate Job Corps centers, at the center and Agency levels.

(2) Federal staff of non-DOL Agencies: Staff at the Regional, Bureau and National Offices which are responsible for monitoring and managing the programs.

(3) Staff of the Selective Service System.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

Not applicable.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Magnetic disk and magnetic tape.

**RETRIEVABILITY:**

Social Security Number.

**SAFEGUARDS:**

Access to files is limited to designated data processing staff (programmers/analysts). Files are password-protected, and are kept in physically secure vault in limited-access building which is not accessible to the public. Back-up tape files are kept in a physically secure vault off-site.

**RETENTION AND DISPOSAL:**

Paper records (source documents) are retained for 90 to 180 days after processing, then destroyed by shredding.

(The "Official Record" copies of these documents are filed in the Terminated Corpsmember Records Folders, which are maintained at Job Corps centers from which the enrollees terminated for

one to two years after termination; afterwards the folders are deposited in the appropriate regional GSA archives.)

Data file records on Job Corps trainees are retained indefinitely.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Office of Job Corps, U.S. Dept. of Labor/E.T.A., 200 Constitution Ave. NW, room N-4508, Washington, DC 20210.

**NOTIFICATION PROCEDURE:**

Letter to System Manager in accordance with 29 CFR parts 70a et seq. giving the following information about the Job Corps enrollee or trainee:

Full name.

Social Security Number (if available).

Job Corps center at which enrolled (if available).

Dates of enrollment and termination, if known.

**RECORD ACCESS PROCEDURES:**

As above.

**CONTESTING RECORD PROCEDURES:**

As above. Documentation should be provided supporting any requests for amending records.

**RECORD SOURCE CATEGORIES:**

Outreach/screening and placement contractors; Job Corps centers.

**EXEMPTIONS:**

None.

**DOL/ETA-14****SYSTEM NAME:**

Job corpsmember records.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Job Corps centers; (which includes contract and agency centers); Job Corps National Office; Regional Offices; Federal Records Centers.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Corps enrollees and trainees.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records which contain information kept about the corpsmembers, such as separate running accounts of the corpsmembers general biographical data; educational training, vocational training; counseling; recreational activities; dormitory logs; health (dental, medical, mental health records); administrative records covering data pertaining to enrollment allowances and allotments, leave records, resume of

corpsmember's qualifications (640); and Center Standards Officer's disciplinary records.

#### **AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Title IV B of the Job Training Partnership Act, as amended. 29 U.S.C. 1691 et. seq.

#### **PURPOSE:**

These records are maintained to ensure that all appropriate documents of the corpsmember's stay in Job Corps (covering entrance to placement and/or termination) are retained and are available to those officials who have a legitimate need for the information in performing their duties and to serve the interest of the corpsmembers in accordance with 29 U.S.C. 1691 et. seq.

#### **ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in these records may be used:

- (1) To disclose information to the news media or members of the general public regarding corpsmember's name and age, for the purpose of promoting the merits of the program.
- (2) To disclose information, giving the summary of a corpsmember's academic and vocational achievement and general biographical information, to placement and welfare agencies, prospective employers, school or training institutions to assist in the employment of a corpsmember.
- (3) To disclose information to state and federal law enforcement agencies or other government investigators to assist them in locating a corpsmember and/or their family.
- (4) To disclose information to appropriate federal, state, and local agencies which have law enforcement jurisdiction over corpsmembers (which includes probation or parole officers); and/or the property on which the center is located.
- (5) To disclose all or any information to parents/guardians regarding corpsmembers under the age of 18 for performance of parental rights and responsibilities.
- (6) To disclose information to Job Corps health consultants; Job Corps Center Review members (in appropriate disciplinary cases); state, county, and local health services personnel; family planning agencies; and physicians (public or private) to whom a corpsmember is referred for diagnosis or to receive treatment to assure continuance of proper health care, or notification and contact tracking for communicable disease control.

- (7) To disclose to state and local health departments all cases of infection or disease that are required to be reported to them in accordance with state and local laws. This disclosure shall be made by the center director.

Note: Center physicians shall deal with all cases of communicable diseases in accordance with Job Corps directives based on current recommendations of the Center for Disease Control of the Department of Health and Human Services.

- (8) To disclose information to state and local health departments regarding infected persons who are unwilling to notify their contacts sense for the purpose of assisting in the counseling of corpsmembers for their protection and care.

- (9) To disclose information to medical laboratories necessary in identifying specimens for the purpose of testing.

- (10) To disclose information to social service agencies in cases of corpsmembers termination for assistance in providing services such as Medicaid, housing and finance.

- (11) To disclose information to the Army Finance center, Fort Benjamin Harrison, Indiana to pay corpsmember allowances and maintain and dispose of their pay records.

- (12) To disclose information to federal, state, and local agencies and to community-based organizations for the operation of experimental, research, demonstration, and pilot projects authorized under sections 433, 452, or 453 of the Job Training Partnership Act, 29 U.S.C. 1703, 1732, or 1733, except that in the case of a research project, the researcher shall guarantee to protect the anonymity of all staff and corpsmembers involved in any presentation of the results of such study.

- (13) To disclose information to contractors and agencies enabling them to properly administer the program.

- (14) To disclose to the Selective Service System name, social security number, date of birth, and address of corpsmembers, to insure registration compliance for eligible enrollees applying for Job Corps training benefits.

#### **DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

#### **POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

##### **STORAGE:**

Corpsmembers files are maintained in locked file cabinets; files are maintained on magnetic tapes, computer data base, and discs; printouts from army terminals which include payroll statistical reports.

#### **RETRIEVABILITY:**

Records are retrieved by name (alphabetized), social security number of the individual corpsmembers on whom they are maintained and date of corpsmember entry.

#### **SAFEGUARDS:**

Records are maintained in file folders during center use; health records are placed in sealed envelopes after termination; on magnetic tapes, computer data base, or discs; and are stored in locked filing cabinets with access to those whose official duties require access.

#### **RETENTION AND DISPOSAL:**

Corps centers will maintain records of terminated corpsmembers for a period of 3 years unless custodianship is extended or terminated by the regional office, for administrative reasons. Counseling records are retained on the Job Corps center for 6 months after corpsmember's termination, after which they are destroyed. After termination a summary or copy of the counseling is placed in the health record.

After 3 years, centers will then retire the records to the appropriate Federal Records center. In accordance with the National Archives and the Office of Job Corps, corpsmembers records are subject to destruction 75 years from the birth date of the youngest corpsmember's record contained in the GSA records retirement box, with the disposal authority being NC 369-76-2, item 59.

Centers will send a copy of the SF 135-135 A (transmittal and receipt form), to the regional office, after they have received the accession number from the appropriate Federal Records Center.

In the event of a corpsmember's death, the corpsmember's entire personnel record shall be sent to the US DOL National Health Office within 10 days of date of corpsmember's death. The corpsmember requests medical information in writing and is advised in writing that the information from the medical record(s) will be released to any physician who the corpsmember designates in writing. The physician does not release any information he/she considers potentially harmful to the corpsmember, and sends the rest of the material to the corpsmember.

All inquiries will be handled by the Systems Manager listed below.

#### **SYSTEM MANAGER AND ADDRESS:**

Director, Office of Job Corps, U.S. DOL/ETA, Frances Perkins Building, room N4508, 200 Constitution Avenue, NW., Washington, DC 20213.

**NOTIFICATION PROCEDURES:**

Requests for access of terminated corpsmember's records are to be directed to the appropriate US DOL Regional Job Corps Office, or to the System Manager at the above address. Requests for current records can be directed to the appropriate center director.

**RECORD ACCESS PROCEDURES:**

A request for access to a record from this system shall be made in writing to the System Manager, in accordance with rules and regulations of the Privacy Act of 1974, as amended, with the envelope and the letter clearly marked "Privacy Act Request", and the record sufficiently described in the letter for identification.

**CONTESTING RECORD PROCEDURES:**

Individuals desiring to contest or amend information maintained in this system should direct their request to the System Manager listed above, stating clearly and concisely what information is contested, the reasons for contesting the information, and the proposed amendment to the information sought. Details required for records identification are:

- (a) Full name(s) (i.e., name during enrollment)
- (b) SSN
- (c) Center(s) where enrolled
- (d) Date enrolled

**RECORD SOURCE CATEGORIES:**

Outreach/screening and placement contractors; Job Corps centers; Job Corps participants; employment services; parole officers; state and local law enforcement agencies.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**DOL/ETA-15****SYSTEM NAME:**

DOL/ETA Evaluation, Research, Pilot or Demonstration Contractors' Project Files.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Individual contractors' project work sites.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Participants in programs of the Job Training Partnership Act and other research, pilot or demonstration projects.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records in the system may include characteristics of program participants, description of program activities, services received by participants, program outcomes and participant follow-up information obtained after the completion of the program.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Part D. Title IV JTPA; Social Security Act sec. 441 and 906. (29 U.S.C. 1731-1735) and (42 U.S.C. 641 and 1106) respectively.

**PURPOSE(S):**

These records are used solely for statistical research or evaluation and are not used in any way for making any determination about an identifiable individual.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

(1) To provide necessary data for the required evaluation of training programs, research, pilot and demonstration projects; (2) to combine records with additional data from administrative records of the Department of Labor and other agencies for statistical and evaluation purposes; and (3) to disclose information to any source in order to facilitate the collection of this additional information.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Records are maintained on magnetic tape and disks by the U.S. Bureau of the Census and various contractors.

**RETRIEVABILITY:**

Records are retrieved by participant characteristics, not by individual identifiers.

**SAFEGUARDS:**

Records are maintained on secure computer systems and can only be retrieved with the proper access code.

**RETENTION AND DISPOSAL:**

Records are retained by the contractors until the conclusion of the studies. After the conclusion of the studies the records are retired to the Federal Records Center for eventual disposal.

**SYSTEM MANAGER(S) AND ADDRESS:**

Administrator, Office of Strategic Planning and Policy Development,

Employment and Training Administration, Frances Perkins Building, 200 Constitution Ave., NW., Washington, DC 20210.

**NOTIFICATION PROCEDURE:**

Address inquiries to the Administrator, Office of Strategic Planning and Policy Development, Employment and Training Administration, Frances Perkins Building, 200 Constitution Ave., NW., Washington, DC 20210.

**RECORD ACCESS PROCEDURES:**

Individuals wishing access to a record should contact the office indicated in the notification procedures section above. Individuals requesting access to records must comply with the office's Privacy Act regulations on verification of identity and access to records.

**CONTESTING RECORD PROCEDURES:**

Individuals wishing to request amendment to records should contact the office indicated in the notification procedures section.

**RECORD SOURCE CATEGORIES:**

Evaluation contractors project files, research contractors project files, and individual participants.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**DOL/ETA-16****SYSTEM NAME:**

Employment and Training Administration Investigatory File.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Division of Special Review and Internal Control, Employment and Training Administration, Frances Perkins Building, 200 Constitution Ave., NW., room N-4671, Washington DC 20210, and each of the Employment and Training Administration Regional Offices.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Applicants, contractors, subcontractors, grantees, private organizations, the general public, ETA employees, and any alleged violators of ETA laws and regulations.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records contained in this system pertain to reports of problems, abuses or deficiencies relative to the administration of programs and

operations of the agency, and of possible violations of Federal law whether civil or criminal; resolution of criminal or conduct violations, and information relating to investigations and possible violations of ETA administered programs and projects. Records are commonly referred to as incident reports, hotline complaints, investigative memoranda, etc.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301.

**PURPOSE(S):**

These records are maintained to ensure that all appropriate records of problems, abuses or deficiencies relative to the administration of programs and operations of the agency are retained and are available to agency, Departmental, or other Federal officials having a need for the information to support actions taken based on the records.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USES AND THE PURPOSES OF SUCH USES:**

The records and information in this system may be used to: (1) Provide information to Federal, State, or local government agencies for civil, criminal, or regulatory law enforcement; (2) provide information to contracting and grant officers for award and administration of grants and contracts; (3) disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, when the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (4) provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual when that individual is the subject of the record; (5) disclose pertinent information to private industry councils and service delivery areas as necessary to enforce ETA rules and regulations; and other uses noted in the prefatory statement.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Information in the system is stored in case files.

**RETRIEVABILITY:**

By name or individual case number.

**SAFEGUARDS:**

Information contained in the system is unclassified. It is maintained in locked file cabinets and is accessible to persons with a need to know the information in the performance of their official duties and responsibilities.

**RETENTION AND DISPOSAL:**

The records are retained for 5 years after the case is closed. The files are then sent to the Federal Records Center for eventual disposition.

**SYSTEM MANAGER(S) NAME AND ADDRESS(ES):**

Chief, Division of Special Review and Internal Control, 200 Constitution Ave., NW., Washington, DC 20210; and each Regional Administrator (or designee) of the ETA in the ten Regional Offices of the Department.

**NOTIFICATION PROCEDURE:**

Mail all inquiries or present in writing to the System Managers at the address shown above.

**RECORD ACCESS PROCEDURES:**

As in notification procedure.

**CONTESTING RECORD PROCEDURES:**

As in notification procedure.

**RECORD SOURCE CATEGORIES:**

Program sponsors, contractors, complainants, witnesses, Office of the Inspector General and other Federal, State and local government records.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: INVESTIGATORY PORTION OF SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

(a) *Criminal law enforcement.* In accordance with paragraph 3(j)(2) of the Privacy Act, information maintained in this system of files is exempt from all provisions contained in 5 U.S.C. 552a except those requirements set forth in paragraphs (b), (c) (1) and (2), (e)(4) (A) through (F), (e) (6), (7), (9), (10), and (11) and paragraph (i) of the Privacy Act. The disclosure of criminal investigatory information, if any, contained in the files, including the names of persons or agencies to whom the information has been transmitted would substantially compromise the effectiveness of any investigations. Knowledge of such investigations could enable subjects to take such action as is necessary to prevent detection of criminal activities, conceal evidence, or to escape prosecution. Disclosure of this information could lead to the intimidation of, or harm to, informants, witnesses, and their respective families,

and could jeopardize the safety and well-being of investigative personnel and their families. The imposition of certain restrictions on the manner in which investigative information is collected, verified, and retained would impede significantly the effectiveness of investigatory activities, and in addition, may often preclude the apprehension and successful prosecution of persons engaged in fraud of the compensation program.

(b) *Other law enforcement.* In accordance with paragraph 3(k)(2) of the Privacy Act, investigatory material compiled for law enforcement purposes other than material declared exempt under paragraph 3(j)(2) of the Privacy Act, which is maintained in this system's files is exempt from paragraphs (c)(3), (d), (e)(4) (G), (H), and (I) and paragraph (f) of 5 U.S.C. 552a. The disclosure of civil investigatory information, if any, contained in this system's files, including the names of persons and agencies to whom the information has been transmitted, would substantially compromise the effectiveness of investigations. Knowledge of such investigations would enable subjects to take such action as is necessary to prevent detection of illegal activities, conceal evidence, or otherwise escape civil enforcement action. Disclosure of this information would lead to the intimidation of, or harm to, informants, witnesses, and their respective families, and in addition, could jeopardize the safety and well-being of investigative personnel and their families. The imposition of certain restrictions on the manner in which investigative information is collected, verified, and retained could also impede significantly the effectiveness of investigatory activities.

**DOL/ETA-20**

**SYSTEM NAME:**

Federal Bonding Program, Bondees Certification Files.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Punch Card Processing Co., 6675 New Hampshire Ave., Takoma Park, MD 20012, and the McLaughlin Co., Suite 514, 2000 L St., NW., Washington, DC 20036.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

State Job Service applicants who are eligible and need bonding to get a job.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Personal (name, SSN, employer name), employment date (DOT and SIC codes), employer data (address, city, State, ZIP code), amount of bond (expressed in \$500 units), cost of bond (expressed in units), effective date of bond, and termination date of bond.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Part D, Title IV, Job Training Partnership Act. (29 U.S.C. 1731-1735)

**PURPOSE(S):**

The purpose of these records is to provide information to the DOL project officer on the activities of the contracted project—the Federal Bonding Program. These records are used solely for statistical information and not used in any way for making any determination about an identifiable individual.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

None.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Disk Operated System (DOS) and printout.

**RETRIEVABILITY:**

Retrieved by assigned bond number.

**SAFEGUARDS:**

Locked in cabinets in offices of Federal, State, and private buildings.

**RETENTION AND DISPOSAL:**

States and regions dispose of data 3 years and older; punch card processing keeps master DOS of all bondees prior to 1980.

**SYSTEM MANAGER(S) AND ADDRESS:**

Administrator, Office of Strategic Planning and Policy Development, Frances Perkins Building, 200 Constitution Ave., NW, Washington, DC 20210.

**NOTIFICATION PROCEDURE:**

Address inquiries to the system manager at 200 Constitution Ave., NW, Washington, DC 20210 as indicated above.

**RECORD ACCESS PROCEDURES:**

As noted in notification procedure above.

**CONTESTING RECORD PROCEDURES:**

Individuals wishing to request amendment to records should contact the office indicated in the notification procedures section.

**RECORD SOURCE CATEGORIES:**

State Job Service files, applicants for the bond and bonded employee's employer.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**DOL/ETA-21****SYSTEM NAME:**

Employment and Training Administration Advisory Committees Files.

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

Program offices for Bureau of Apprenticeship and Training; Office of Job Training Programs; Unemployment Insurance; Office of Special Targeted Programs; U.S. Department of Labor/ETA, Frances Perkins Building, 200 Constitution Ave., NW, Washington, DC 20210.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Present and former members of the committees established by ETA and candidates for a position on an advisory committee.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Biographical information on individuals who are or have been members or are being considered for membership on the committees.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301.

**PURPOSE(S):**

To ensure that all appropriate records are retained and are available for official use in accordance with the requirements of the Federal Advisory Committee Act and GSA's Rule on Advisory Committee Management.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

To maintain records in accordance with the requirements of the Federal Advisory Committee Act and GSA's Interim Rule on Advisory Committee Management. To prepare required reports to GSA and to the Congress. To answer membership inquiries from Departmental elements, from the

Congress, from public and private organizations and individuals. To provide a current list of qualified applicants for vacancies occurring on the committees.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Storage methods vary between program components, but the data will be stored either on magnetic tape or in a manual file, both of which are secured at all times. Also, a copy will be stored in the Executive Secretariat and will be secured with access to the records by means of identification number and password known only to the user and system manager.

**RETRIEVABILITY:**

Retrievable by member name or committee name, and via identification number if electronically maintained.

**SAFEGUARDS:**

Maintained in system manager's office with only authorized employees having access to the file on a need to know basis.

**RETENTION AND DISPOSAL:**

Records transferred to National Archives 5 years after member resigns from committee.

**SYSTEM MANAGER(S) AND ADDRESS:**

The system manager of each file is the Administrator of the Program Office involved, U.S. Department of Labor, Employment and Training Administration, Frances Perkins Building, 200 Constitution Ave., NW, Washington, DC 20210.

**NOTIFICATION PROCEDURE:**

Mail all inquiries or present in writing to the appropriate program system manager, or to the Freedom of Information Act/Privacy Act Coordinator, at U.S. Department of Labor/ETA, 200 Constitution Ave., NW, room N-4671, Washington, DC 20210.

**RECORD ACCESS PROCEDURES:**

As noted in notification procedure above.

**CONTESTING RECORD PROCEDURES:**

As noted in notification procedures above.

**RECORD SOURCE CATEGORIES:**

Information contained in this system is obtained from the individuals concerned.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**DOL/ETA-22****SYSTEM NAME:**

ETA Employee Conduct Investigations.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Offices in the Employment and Training Administration at the National Office and in each of the ten Regional Offices.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

ETA employee(s) against whom any allegation of misconduct, illegal acts, conflicts of interests, etc., has been made.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name, organization and other information relating to the individual involved. It also contains investigative report(s) associated with the case, including interviews and other confidential data gathered.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, 7301, and Executive Order 11222.

**PURPOSE(S):**

These records are maintained to ensure that all appropriate records of problems, misconduct, illegal acts, conflicts of interest, etc., are retained and are available to agency, Departmental, or other Federal officials having a need for the information in the performance of their official duties and to support actions taken based on the records.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

(1) Disclosure to other Federal Agencies, including the Department of Justice, the FBI, and to any other Federal, State, and local government responsible for investigation or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (2) to a Federal Agency which has requested information relevant to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant, or other benefit.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

The records are stored in file folders in metal cabinets.

**RETRIEVABILITY:**

Filed by name or other identifying code such as a case file number.

**SAFEGUARDS:**

The files are maintained in locked file cabinets with access only to those with a need to know the information to perform their duties.

**RETENTION AND DISPOSAL:**

Completed investigations are disposed of after 20 years. Matters not subject to full investigations are disposed of after 10 years.

**SYSTEM MANAGER(S) AND ADDRESS:**

Division of Special Review and Internal Control, 200 Constitution Ave., NW., N-4671, Washington, DC 20210, and appropriate Regional Offices.

**NOTIFICATION PROCEDURE:**

Inquiries should be mailed or presented to the system manager noted at the address noted above.

**RECORD ACCESS PROCEDURES:**

As noted in notification procedure.

**CONTESTING RECORD PROCEDURES:**

As noted in notification procedure.

**RECORD SOURCE CATEGORIES:**

Hotline complaints through the Office of the Inspector General's hotline; hotline complaints through the General Accounting Office's hotline system; incident reports submitted by other employees; and investigative reports.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Under the specific exemption authority provided by 5 U.S.C. 552a(k)(2), exempting this system from the following provisions of the Privacy Act: 5 U.S.C. 552a(c), 3, (d), (e)(1), (4) (G), (H), (I), and (f) of the Act. Disclosure of information could enable the subject of the record to take action to escape prosecution and could avail the subject greater access to information than already provided under rules of discovery. In addition, disclosure of information might lead to intimidation of witnesses, informants, or their families, and impair future investigations by making it more difficult to collect similar information.

**DOL/ETA-23****SYSTEM NAME:**

Federal Committee on Apprenticeship (FCA).

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

Department of Labor (DOL); Employment and Training Job Office Training Programs, Bureau of Apprenticeship and Training, 200 Constitution Avenue, NW., room N-4649, Washington, DC 20010.

**SECURITY CLASSIFICATION:**

None.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Present and former members of the Federal Committee on Apprenticeship and candidates applying for a position on the advisory committee.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Membership file listing name, address, occupation, committee name, and term of appointment. Biographical information on committee members and applicants.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301.

**PURPOSE(S):**

For ready access in preparing Advisory Committee reports as required by the Federal Advisory Committee Act and GSA's Interim Rule on Advisory Committee Management.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

To maintain records in accordance with the requirements of the Federal Advisory Committee Act and GSA's Interim Rule on Advisory Committee Management. To prepare required reports to GSA and to the Congress. To answer membership inquiries from Departmental elements, from the Congress, from public and private organizations and individuals. To provide a current list of qualified applicants for vacancies which occur on the advisory committee.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

All data is stored on a disk which is located inside the processor, with magnetic tape backup. The hard copies will be stored in the Executive Secretariat and will be secured at all times, access to the records will be by means of identification number and password known only to the user and system manager.

**RETRIEVABILITY:**

Records will be retrievable by name or by any of the categories listed under "Categories of Records."

**SAFEGUARDS:**

The records are safeguarded by (1) user identification and password; (2) establishment of permission to view the file by the system or owner of the record; and (3) encryption of documents, records and data elements. All hard copies are stored in a locked storage area and are only accessible by permission of the Committee Management Coordinator.

**RETENTION AND DISPOSAL:**

Hardcopies will be sent to the Archives until such time as we receive instruction from Archives regarding the permanent retention of discs or magnetic tapes. Discs and tapes will be destroyed. Records are retired to the Federal Records Center within five years after a committee becomes inactive. All records over five years old may be retired to the Federal Records Center.

**SYSTEM MANAGER(S) AND ADDRESS:**

Executive Secretary and DOL Committee Management office, Department of Labor (DOL), 200 Constitution Avenue, NW., room N-4644, Washington, DC 20010.

**NOTIFICATION PROCEDURE:**

Any individual who wishes to be notified if the system of records contains a record pertaining to him/her may apply in writing to the system manager.

**RECORD ACCESS PROCEDURES:**

Any individual who wishes to review the contents of a record pertaining to him/her may apply in writing to the System Manager at the above address.

**CONTESTING RECORD PROCEDURE:**

Same as "Record Access procedures." Appeals should be directed to the Secretary of Labor if request for modification or deletion is denied.

**RECORD SOURCE CATEGORIES:**

Information contained in the system is obtained from (1) committee sponsor; (2) individuals who apply for advisory committee appointments, and (3) persons who recommend them for appointment. Each applicant must complete a Candidate Biographical Request for Name Check which contains all of the data to be stored in the "Categories of records," and the individual signs a permission statement authorizing the Department of Labor to retain such records.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Not applicable.

**DOL/OIG-1****SYSTEM NAME:**

General Investigative Files, Case Tracking Files, and Subject/Title Index, USDOL/OIG.

**SECURITY CLASSIFICATION:**

Sensitive.

**SYSTEM LOCATION:**

Office of Inspector General, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, and in the OIG regional and field offices.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

DOL employees, applicants, contractors, subcontractors, grantees, subgrantees, claimants, complainants, individuals threatening DOL employees or the Secretary of Labor, alleged violators of Labor laws and regulations, union officers, individuals investigated and interviewed, and individuals filing claims for entitlements or benefits under laws administered by the Department of Labor, individuals providing medical and other services to OWCP, employees of insurance companies and of medical and other services provided to OWCP, and other persons suspected of violations of law and related administrative, civil and criminal provisions.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The system contains records related to administrative, civil and criminal investigations which include: Statements and other information from subjects, targets, and witnesses; material from governmental investigatory or law enforcement organizations (federal, state, local or international) and intelligence information; information of criminal, civil or administrative referrals and/or results of investigations; investigative notes and investigative reports;

summary information for indexing and cross referencing; reports and associated materials filed with DOL or other government agencies from, for example medical providers, grantees, contractors, employers or insurance companies; other evidence and background material existing in any form (i.e. audio or video tape, photographs, computer tapes or disks).

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. App. 3 (IG Act); 5 U.S.C. 8101 *et seq.* (FECA); 5 U.S.C. 8401 *et seq.* (FERA); 8 U.S.C. 1101 *et seq.* (IRCA); 18 U.S.C. 874 (Anti Kickback Act); 29 U.S.C. 49 *et seq.* (Wagner Peyser); 29 U.S.C. 201 *et seq.* (FSLA); 29 U.S.C. 401 *et seq.* (LMRDA); 29 U.S.C. 651 *et seq.* (OSHA); 29 U.S.C. 793 *et seq.* (Rehabilitation Act); 29 U.S.C. 1001 *et seq.* (ERISA); 29 U.S.C. 1501 *et seq.* (JTPA); 30 U.S.C. 801 *et seq.* (MSHA); 30 U.S.C. 901 *et seq.* (Black Lung); 31 U.S.C. 3701 *et seq.* (False Claims Act); 31 U.S.C. 3801 *et seq.* (Program Fraud Civil Remedies Act); 33 U.S.C. 901 *et seq.* (Longshore Compensation Act and extension); 40 U.S.C. 276a5 (Davis Bacon); 40 U.S.C. 276c (Copeland Act); 41 U.S.C. 35 *et seq.* (Walsh-Healy); 41 U.S.C. 351 *et seq.* (Service Contract Act); Title 18, United States Code (Criminal Code); and Secretary's Order 1-80 dated March 8, 1980 establishing the Office of Inspector General in the Department of Labor.

**PURPOSE(S):**

This system is established and maintained to fulfill the purposes of the Inspector General Act of 1978 and to fulfill the responsibilities assigned by that Act concerning investigative activities. The OIG initiates investigations on individuals, entities and programs and maintains information received and developed in this system during the time the investigation is performed and after each investigation is completed. This system is the repository of all information developed during the course of investigations.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

A. Referral to federal, state, local and foreign investigative and/or prosecutive authorities.

A record from a system of records, which indicates either by itself or in combination with other information within the agency's possession a violation or potential violation of law, whether civil, criminal or regulatory and whether arising by general statute or particular program statute, or by

regulation, rule or order issued pursuant thereto, may be disclosed as a routine use, to the appropriate federal, foreign, state or local agency or professional organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing or investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

#### B. Introduction to a grand jury.

A record from a system of records may be disclosed, as a routine use, to a grand jury agent pursuant either to a federal or state grand jury subpoena or to a prosecution request that such record be released for the purpose of its introduction to a grand jury.

#### C. Referral to suspension/debarment authorities.

A record from a system of records may be disclosed, as a routine use, to any federal agency responsible for considering suspension/debarment actions where such record would be germane to a determination of the propriety/necessity for such an action.

#### D. Referral to federal, state, local and professional licensing boards.

A record from a system of records may be disclosed, as a routine use, to any governmental, professional, or licensing authority when such record reflects on the qualifications, either moral, educational or vocational, of an individual seeking to be licensed or maintain a license.

#### E. Disclosure to contractor, grantee or other direct recipient of federal funds to allow such entity to effect corrective action in agency's best interest.

A record from a system of records may be disclosed, as a routine use, to any direct or indirect recipient of federal funds where such record reflects serious inadequacies with a recipient's personnel, and disclosure of the record is made to permit a recipient to take corrective action beneficial to the Government.

#### F. Disclosure to any source, either private or governmental, to the extent necessary to solicit information relevant to any investigation or audit.

A record from a system of records may be disclosed, as a routine use, to any source, either private or governmental, to the extent necessary to secure from such source information relevant to and sought in furtherance of a legitimate investigation or audit.

#### G. Disclosure to domestic or foreign governmental agencies for personnel or other action.

A record from a system of records may be disclosed, as a routine use, to a

federal, state, local, foreign or international agency, for their use in connection with such entity's assignment, hiring or retention of an individual, issuance of a security clearance, reporting of an investigation of an individual, letting of a contract or issuance of a license, grant or other benefit, to the extent that the information is relevant and necessary to such agency's decision on the matter.

#### H. Disclosure to Office of Government Ethics.

A record from a system of records may be disclosed, as routine use, to the Office of Government Ethics for any purpose consistent with that office's mission, including the compilation of statistical data.

#### I. Disclosure to a board of contract appeals, GAO or any other entity hearing a contractor protest or dispute.

A record from a system of records may be disclosed, as a routine use, to the United States General Accounting Office, to a board of contract appeals, or to the claims court in bid protest cases or contract dispute cases involving procurement.

#### J. Disclosure to Congress in Semiannual report or otherwise.

A record from a system of records may be disclosed, as a routine use, to Congress through incorporation in the statutorily mandated IG semiannual report, a seven day letter or in response to a request from a properly authorized oversight committee or committee member.

#### K. Disclosure to domestic or foreign governmental law enforcement agency in order to obtain information relevant to an OIG or DOL decision.

A record from a system of records may be disclosed, as a routine use, to a domestic or foreign governmental agency maintaining civil, criminal or other relevant enforcement information, or other pertinent information, in order to obtain information relevant to an OIG or DOL decision concerning the assignment, hiring, or retention of an individual, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit, or which may be relevant to an OIG or DOL investigation or audit.

#### L. Disclosure to DOJ for advice, including FOIA.

A record from a system of records may be disclosed, as a routine use, to the U.S. Department of Justice in order to obtain advice regarding civil, criminal and administrative law questions and regarding disclosure obligations under the Freedom of Information Act.

#### M. Disclosure to OMB or DOJ regarding Privacy Act advice.

A record from a system of records may be disclosed, as a routine use, to the Office of Management and Budget or the Department of Justice in order to obtain advice regarding statutory obligations under the Privacy Act.

#### N. Disclosure to a member of Congress making a request at the behest of a party protected under the Privacy Act.

A record from a system of records may be disclosed, as a routine use, to a Member of Congress who submits an inquiry on behalf of an individual when the Member of Congress informs the appropriate agency official that the individual to whom the record pertains has authorized the Member of Congress to have access. In such cases, the member has no greater right to the record than does the individual.

#### O. Disclosure pursuant to the receipt of a valid subpoena.

A record from a system of records may be disclosed, as a routine use, in response to a facially valid subpoena for the record. Disclosure may also be made when a subpoena or order is signed by a judge from a court of competent jurisdiction.

#### P. Disclosure to Treasury and DOJ in pursuance of an *ex parte* court order to obtain taxpayer information from the IRS.

A record from a system of records may be disclosed, as a routine use, to the Department of Treasury and the Department of Justice when the OIG seeks an *ex parte* court order to obtain taxpayer information from the Internal Revenue Service.

#### Q. Disclosure to debt collection contractors or government agencies for purposes of delinquent debt collection.

A record from a system of records may be disclosed, as a routine use, to debt collection contractors or federal or state agencies when collection of delinquent debts is authorized by the Debt Collection Act of 1982, 31 U.S.C. 3718.

#### R. Disclosure to a consumer reporting agency in order to obtain relevant investigatory information.

A record from a system of records may be disclosed, as a routine use, to a "consumer reporting agency" as that term is defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) and the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)), for the purposes of obtaining information in the course of an investigation or audit.

#### S. Disclosure in accordance with computer matching guidelines and/or laws.

A record may be disclosed to a federal, state, or local agency for use in

computer matching programs to prevent and detect fraud and abuse in benefit programs administered by those agencies, to support civil and criminal law enforcement activities of those agencies and their components, and to collect debts and overpayments owed to the agencies and their components. This routine use does not provide unrestricted access to records for such law enforcement and related anti-fraud activities; each request for disclosure will be considered in light of the applicable legal and administrative requirements for the performance of a computer matching program or procedure.

T. Disclosure to any court or adjudicative body during the course of any litigation to which the agency is a party or has an interest.

A record may be disclosed in a proceeding before a court or adjudicative body (i.e. MSPB or FLRA) before which the DOL or OIG is authorized to appear, or in the course of settlement negotiations with opposing counsel, when—

(1) The DOL or OIG, or any component thereof; or (2) any employee of the DOL in his or her official capacity; or (3) any employee of the DOL in his or her individual capacity, where the DOL or DOJ has agreed to or is considering representation of the employee; or (4) the United States, where the DOL or OIG determines that litigation is likely to affect the DOL or OIG or any of its components is a party to litigation or has an interest in such litigation, and the DOL or OIG determines that the use of such records is relevant and necessary to the litigation; provided, however, that in each case the DOL or OIG determines that disclosure of the records is a use of the information that is compatible with the purpose for which the records were collected.

U. Disclosure to DOL or another federal agency's legal representative, to include the Department of Justice and other outside counsel, where DOL is a party in litigation or has an interest in litigation.

A record may be disclosed to the Department of Justice or federal agency's legal representative when—

(1) The DOL or OIG, or any component thereof; or (2) any employee of the DOL or OIG in his or her official capacity; or (3) any employee of the DOL or OIG in his or her individual capacity, where the Department of Justice has agreed or is considering a request to represent the employee; or (4) the United States, where the DOL or OIG determines that litigation is likely to affect the DOL or OIG or any of its components is a party to litigation or

has an interest in such litigation, and the DOL or OIG determines that the use of such records by the Department of Justice is relevant and necessary to the litigation; provided, however, that in each case, the DOL or OIG determines that disclosure of the records to the Department of Justice is a use of the information that is compatible with the purpose for which the records were collected.

#### DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

The information is maintained in a variety of mediums including paper, microfilm, magnetic tapes or discs, and optical digital data discs. The records are maintained in limited access areas during duty hours and in locked offices at all other times.

##### RETRIEVABILITY:

The written case records are indexed by case number, while file cards are indexed by subject name. Automated records are retrieved by case number, case name, subject, or batch retrieval applications.

##### SAFEGUARDS:

Direct access is restricted to authorized staff members of the OIG, their attorneys or contractor employees on a need-to-know basis. Automated records can be accessed only through use of confidential procedures and passwords.

##### RETENTION AND DISPOSAL:

Records are disposed of as provided in National Archives and Records Administration General Records Schedule 25.

##### SYSTEM MANAGER(S) AND ADDRESS:

Assistant Inspector General for Investigations; Assistant Inspector General for Labor Racketeering; and Director, Office of Program Fraud Audits; Office of Inspector General; U.S. Department of Labor; room S-1303; 200 Constitution Avenue NW., Washington, DC 20210.

##### NOTIFICATION PROCEDURE:

Inquiries concerning this system of records can be directed to: Disclosure Officer, Office of Inspector General, U.S. Department of Labor, room S1303, 200 Constitution Avenue NW., Washington, DC 20210. Inquiries must comply with the requirements in 29 CFR 709.4 and 5.

#### RECORD ACCESS PROCEDURE:

Individuals can request access to any record pertaining to him/her by mailing a request to the Disclosure Officer listed above under "Notification Procedure." See 29 CFR 70a.4 and 70a.5.

#### CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the Disclosure Officer listed in "Notification Procedure," above. In addition, the request should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought. See 29 CFR 70a.7.

#### RECORD SOURCE CATEGORIES:

The information contained in this system is received from individual complaints, witnesses, interviews conducted during investigations, Federal, state and local government records, individual or company records, claim and payment files, employer medical records, insurance records, court records, articles from publications, published financial data, corporate information, bank information, telephone data, insurers, service providers, grantees, subgrantees, contractors and subcontractors.

#### SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Secretary of Labor has promulgated regulations which exempt information contained in this system of records from various provisions of the Privacy Act depending upon the purpose for which the information was gathered and for which it will be used. The various law enforcement purposes and the reasons for the exemptions are as follow:

(a) *Criminal Law Enforcement.* Information compiled for this purpose is exempt from all of the provisions of the Act except the following sections: (b), (c) (1) and (2), (e)(4) (A) through (F), (e) (6), (7), (9), (10), and (11), and (i). This material is exempt because the disclosure and other requirements of the Act would substantially compromise the efficacy and integrity of OIG operations in a number of ways. Indeed, disclosure of even the existence of these files would be problematic.

Disclosure could enable suspects to take action to prevent detection of criminal activities, conceal evidence, or escape prosecution. Required disclosure of information contained in this system could lead to the intimidation of, or harm to, informants, witnesses and their respective families or OIG personnel.

and their families. Disclosure could invade the privacy of individuals other than subjects and disclose their identity when confidentiality was promised or impliedly promised to them. Disclosure could interfere with the integrity of information which would otherwise be privileged, (see, e.g., 5 U.S.C. 552(b)(5)), and which could interfere with other important law enforcement concerns: (see, e.g., 5 U.S.C. 552(b)(7)).

The requirement that only relevant and necessary information be included in a criminal investigative file is contrary to investigative practice which requires a full and complete inquiry and exhaustion of all potential sources of information. See, 5 U.S.C. 552a(e)(1). Similarly, maintaining only those records which are accurate, relevant, timely and complete and which assure fairness in a determination is contrary to established investigative techniques. See, 5 U.S.C. 552a(e)(5). Requiring investigators to obtain information to the greatest extent practicable directly from the subject individual would be counterproductive to performance of clandestine criminal investigation. See, U.S.C. 552a(e)(2). Finally, providing notice to an individual interviewed of the authority of the interviewer, the purpose to which the information provided may be used, the routine uses of that information and the effect upon the individual should he/she choose not to provide the information sought could discourage the free flow of information in a criminal law enforcement inquiry. 5 U.S.C. 552a(e)(3).

(b) *Other Law Enforcement.* In accordance with 5 U.S.C. 552a(k)(2), investigatory material compiled for law enforcement purposes (to the extent it is not already exempted by 5 U.S.C. 552a(j)(2)), is exempted from the following provisions of the Act: (c)(3), (d), (e)(4) (G), (H) and (I), and (f). This material is exempt because the disclosure and other requirements of the Act could substantially compromise the efficacy and integrity of OIG operations. Disclosure could invade the privacy of other individuals and disclose their identity when they were expressly promised confidentiality. Disclosure could interfere with the integrity of information which would otherwise be subject to privileges, see, e.g., 5 U.S.C. 552(b)(5), and which could interfere with other important law enforcement concerns. See, e.g., 5 U.S.C. 552(b)(7).

(c) *Protective Services.* In accordance with 5 U.S.C. 552(k)(3) investigatory material maintained in connection with assisting the U.S. Secret Service to provide protective services to the President of the United States or other

individuals pursuant to 18 U.S.C. 3056 is exempt from the following sections of the Act: (c)(3), (d), (e)(4) (G), (H) and (I), and (f). This material is exempt in order to enable the OIG to continue its support of the Secret Service without compromising the effectiveness of either agency's activities.

(d) *Contract Investigations.* In accordance with 5 U.S.C. 552a(k)(5), investigatory material compiled solely for the purpose of determining integrity, suitability, eligibility, or qualifications for a DOL contract is exempt from the following sections of the Act: (c) (3), (d), and (f). This exemption was obtained in order to protect from disclosure the identity of a confidential source when an express promise of confidentiality has been given in order to obtain information from sources who would otherwise be unwilling to provide necessary information. See 29 CFR 70a.13(b)(iv).

#### **DOL/OIG-2**

##### **SYSTEM NAME:**

Freedom of Information/Privacy Acts Records.

##### **SECURITY CLASSIFICATION:**

Sensitive.

##### **SYSTEM LOCATION:**

Freedom of Information/Privacy Acts Disclosure Office, Office of Inspector General, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

##### **CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons who request disclosure of records pursuant to the Freedom of Information Act, persons who request access to or correction of records pertaining to themselves contained in the Office of Inspector General's systems of records pursuant to the Privacy Act; where applicable, persons about whom records have been requested or about whom information is contained in requested records; and persons representing those identified above.

##### **CATEGORIES OF RECORDS IN THE SYSTEM:**

The system contains (a) copies of all correspondence and internal memorandums related to the Freedom of Information Act and Privacy Act requests, and related records necessary to the processing of such requests; (b) copies of all documents relevant to appeals and lawsuits under the Freedom of Information and Privacy Acts.

##### **AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Freedom of Information Act, 5 U.S.C. 552, the Privacy Act, 5 U.S.C. 552a and 29 CFR Parts 70 and 70a.

##### **PURPOSE(S):**

This system of records is maintained in order to accurately reflect the identity of requestors, the substance of each request, the responses made by the OIG and in order to comply with the reporting and accounting requirements of the Freedom of Information and Privacy Acts. Materials within this system also reflects the reasons for the disclosure and/or denial of requests or portions of requests and any further action on requests which may be appealed and/or litigated.

##### **ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Please see the routine uses in DOL/OIG-1, above.

##### **DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

##### **POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

##### **STORAGE:**

The records in this system are maintained in a variety of mediums including paper, microfilm, magnetic tapes or discs, and optical digital data discs.

##### **RETRIEVABILITY:**

A record is retrieved by the name of the individual or person making a request for access or correction of records or by other subject matter covered by the request.

##### **SAFEGUARDS:**

This system of records is maintained at OIG Headquarters which is located in a building protected by twenty-four hour guard service. In addition, the system is stored in Conserva-File(s) and Safe(s) and access is restricted to the staff of the Freedom of Information/Privacy Acts Disclosure Officer on a need-to-know basis.

##### **RETENTION AND DISPOSAL:**

Individual case files are disposed of in accordance with General Records Schedule 14, items 16-25.

##### **SYSTEM MANAGER(S) AND ADDRESS:**

Disclosure Officer, Office of Inspector General, U.S. Department of Labor, room S1303, 200 Constitution Avenue NW., Washington, DC 20210.

**NOTIFICATION PROCEDURE:**

Inquiries concerning this system can be directed to: Disclosure Officer, Office of Inspector General, 200 Constitution Avenue NW., Washington, DC 20210. Inquiries must comply with the requirements in 29 CFR 70a.4.

**RECORD ACCESS PROCEDURES:**

Individuals can request access to any record pertaining to him/her by mailing a request to the Disclosure Officer listed above under "Notification Procedure." See 29 CFR 702.4 and 702.5.

**CONTESTING RECORD PROCEDURES:**

Individuals desiring to contest or amend information maintained in the system should direct their written request to the Disclosure Officer listed in "Notification Procedure" above. In addition, the request should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought. See 29 CFR 70a.7.

**RECORD SOURCE CATEGORIES:**

The information contained in this system is received from the persons or entities making requests, the systems of records searched to respond to requests, and other agencies referring requests for access or correction of records originating in the Office of Inspector General.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Some records obtained and stored in this system originate from other systems of records and have been exempted under the provisions of the Freedom of Information/Privacy Acts to the same extent as the systems of records from which they were obtained.

**DOL/OIG-3****SYSTEM NAME:**

Case Development Records.

**SECURITY CLASSIFICATION:**

Sensitive.

**SYSTEM LOCATION:**

Office of Inspector General, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210 and in the OIG regional and field offices.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals known or suspected of being involved in or associated with labor racketeering or other criminal activity, and informants.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The system of records contains materials related to criminal and civil

investigations which include: Intelligence and other background information; statements and other material from subjects and witnesses; information from government investigatory or law enforcement organizations (federal, state, local or international); investigative notes and reports; summary information for indexing and cross-referencing; other evidence and background materials existing in any form (e.g. audio or video tape, photographs, computer tapes or disks).

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. App 3, the Act of March 4, 1913 (37 Stat. 736) 29 U.S.C. 551, Secretary's Order 1-80 dated March 6, 1980 establishing the Office of Inspector General at the Department of Labor.

**PURPOSE(S):**

This system of records is maintained as a repository for: (1) Records created as a result of targeting, surveys and projects for the development of cases and investigations for the Office of Investigations and for the Office of Labor Racketeering; (2) intelligence information concerning individuals identified as potential violators of criminal, labor and labor-related laws and other individuals associated with them; and (3) for other research and analysis.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Please see the routine uses in DOL/OIG-1, above.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

The records are stored on a variety of mediums including paper, microfilm, magnetic tapes or discs, and/or optical digital data discs.

**RETRIEVABILITY:**

Retrievable by name of individual subject, other personal identifiers and other non-personal elements.

**SAFEGUARDS:**

Available on an official need-to-know basis and kept in locked storage when not in use.

**RETENTION AND DISPOSAL:**

Records are disposed of as provided in National Archives and Records

Administration General Records Schedule 25.

**SYSTEM MANAGER AND ADDRESS:**

Assistant Inspector General for the Office of Labor Racketeering and Assistant Inspector General for Investigations, OIG/DOL, 200 Constitution Avenue, NW., Washington, DC 20210.

**NOTIFICATION PROCEDURE:**

Inquiries concerning this system can be directed to: Disclosure Officer, OIG, 200 Constitution Avenue, NW., Washington, DC 20210. Inquiries must comply with the requirements in 29 CFR 70a.4 and 70a.5.

**RECORD ACCESS PROCEDURE:**

Individuals can request access to any record pertaining to him/her by mailing a request to the Disclosure Officer listed above under "Notification Procedure" See 29 CFR 70a.4 and 70a.5.

**CONTESTING RECORD PROCEDURES:**

Individuals desiring to contest or amend information maintained in the system should direct their request to the Disclosure Officer listed in "Notification Procedure," above. In addition, the request should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment sought for the information. See 29 CFR 70a.7.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

The Secretary of Labor has promulgated regulations which exempt information contained in this system of records from various provisions of the Privacy Act depending upon the purpose for which the information was gathered and for which it will be used. The various law enforcement purposes and the reasons for the exemptions are as follow:

(a) *Criminal Law Enforcement.* Information compiled for this purpose is exempt from all of the provisions of the Act except the following sections: (b), (c) (1) and (2), (e)(4) (A) through (F), (e)(6), (7), (9), (10), and (11), and (i). This material is exempt because the disclosure and other requirements of the Act would substantially compromise the efficacy and integrity of OIG operations in a number of ways. Indeed, disclosure of even the existence of these files would be problematic.

Disclosure could enable suspects to take action to prevent detection of criminal activities, conceal evidence, or escape prosecution. Required disclosure of information contained in this system could lead to the intimidation of, or

harm to, informants, witnesses and their respective families or OIG personnel and their families. Disclosure could invade the privacy of individuals other than subjects and disclose their identity when confidentiality was promised to them. Disclosures from these files could interfere with the integrity of other information which would otherwise be privileged, *see, e.g.*, 5 U.S.C. 552(b)(5) and which could interfere with other important law enforcement concerns, *see, e.g.*, 5 U.S.C. 552(b)(7).

The requirement that only relevant and necessary information be included in a criminal investigative file is contrary to good investigative practices which require a full and complete inquiry and exhaustion of all potential sources of information. 5 U.S.C. 552a(e)(1). Similarly, maintaining only those records which are accurate, relevant, timely and complete and which assure fairness in a determination is contrary to established investigative techniques. 5 U.S.C. 552a(e)(5). Requiring investigators to obtain information to the greatest extent practicable directly from the subject individual would be counterproductive to performance of a clandestine criminal investigation. 5 U.S.C. 552a(e)(2). Finally, providing notice to an individual interviewed of the authority of the interviewer, the purpose to which the information provided may be used, the routine uses of that information and the effect upon the individual should he choose not to provide the information sought could discourage the free flow of information in a criminal law enforcement inquiry. 5 U.S.C. 552a(e)(3).

(b) *Other Law Enforcement.* In accordance with 5 U.S.C. 552a(k)(2), investigatory material compiled for law enforcement purposes (to the extent it is not already exempted by 5 U.S.C. 552a(j)(2)), is exempted from the following provisions of the Act: (c)(3), (d), (e)(4) (G), (H), (I) and (F). This material is exempt because the disclosure and other requirements of the act could substantially compromise the efficacy and integrity of OIG operations. Disclosure could invade the privacy of other individuals and disclose their identity when they were expressly promised confidentiality. Disclosure could interfere with the integrity of information which would otherwise be subject to privileges, *see, e.g.*, 5 U.S.C. 552(b)(5), and which could interfere with other important law enforcement concerns. *See, e.g.*, 5 U.S.C. 552(b)(7).

#### DOL/OIG-4

#### SYSTEM NAME:

Temporary Matching Files.

#### SECURITY CLASSIFICATION:

Sensitive.

#### SYSTEM LOCATION:

Office of the Inspector General, U.S. Department of Labor, Frances Perkins Building, 200 Constitution Avenue, NW., Washington, DC 20210.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DOL employees, applicants, contractors, subcontractors, union officials, and those individuals or organizations filing for or receiving benefits from a program funded, operated in whole or in part or overseen by the Department of Labor, including grantees, subgrantees, claimants, representatives, beneficiaries and their dependents, providers of medical, legal, insurance, or other services.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains information derived from reports, applications, bids and other information filed with or compiled by or available to the Department of Labor or other Federal, state or local government or other agencies, records of contractors, subcontractors, grantees, subgrantees, employers, employee organizations, court records, medical providers, insurers, corporations, banks, pension plans, public sources or from individuals with pertinent knowledge.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. App 3, 5 U.S.C. 552a, and Pub. L. 100-503 amending the Privacy Act and OMB Computer Matching Guidelines and checklist.

#### PURPOSE(S):

This system of records is maintained as an interim repository for those computer and other records used for performing computer matching functions, an investigatory/law enforcement tool used to test for fraud and abuse in benefit programs administered or overseen by DOL, to support civil and criminal law enforcement activities, and to collect debts and overpayments.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Please see the routine uses in DOL/OIG-1, above.

#### DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

The records are stored on a variety of mediums including paper, microfilm, magnetic tapes or discs, and/or optical digital data discs.

##### RETRIEVABILITY:

The records in this system are retrieved by computer and manually using name, social security number or other personal identifier.

##### SAFEGUARDS:

Direct access is restricted to authorized staff members and contracts of the OIG.

##### RETENTION AND DISPOSAL:

Records are disposed of as provided in National Archives and Records Administration General Records Schedule 25.

##### SYSTEM MANAGER AND ADDRESS:

Disclosure Officer, Office of Inspector General, USDOL, 200 Constitution Avenue, NW., Washington, DC 20210.

##### NOTIFICATION PROCEDURE:

Inquiries concerning this system can be directed to: Disclosure Officer, OIG, 200 Constitution Avenue, NW., Washington, DC 20210. Inquiries must comply with the requirements in 29 CFR 70a.4 and 70a.5.

##### RECORD ACCESS PROCEDURE:

Individuals can request access to any record pertaining to him/her by mailing a request to the Disclosure Officer listed above under "Notification Procedure" *See* 29 CFR 70a.4 and 70a.5.

##### CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the Disclosure Officer listed in "Notification Procedure," above. In addition, the request should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment sought for the information. *See* 29 CFR 70a.7.

##### RECORDS SOURCE CATEGORIES:

Information contained in this system is obtained from federal, state and local government records, individual or company records, industrial or trade union records employees, insurers, service providers, grantees, subgrantees, contractors, subcontractors.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

The Secretary of Labor has promulgated regulations which exempt information contained in this system of records from various provisions of the Privacy Act depending upon the purpose for which the information was gathered and for which it will be used. The various law enforcement purposes and the reasons for the exemptions are as follows:

(a) *Criminal Law Enforcement.* Information compiled for this purpose is exempt from all of the provisions of the Act except the following sections: (b), (c) (1) and (2), (e)(4) (A) through (F), (e)(6), (7), (9), (10), and (11), and (i). This material is exempt because the disclosure and other requirements of the Act would substantially compromise the efficacy and integrity of OIG operations in a number of ways. Indeed, disclosure of even the existence of these files would be problematic.

Disclosure could enable suspects to take action to prevent detection of criminal activities, conceal evidence, or escape prosecution. Required disclosure of information contained in this system could lead to the intimidation of, or harm to, informants, witnesses and their respective families or OIG personnel and their families. Disclosure could invade the privacy of individuals other than subjects and disclose their identity when confidentiality was promised to them. Disclosures from these files could interfere with the integrity of other information which would otherwise be privileged, *see, e.g.,* 5 U.S.C. 552(b)(5) and which could interfere with other important law enforcement concerns, *see, e.g.,* 5 U.S.C. 552(b)(7).

The requirement that only relevant and necessary information be included in a criminal investigative file is contrary to good investigative practices which require a full and complete inquiry and exhaustion of all potential sources of information. 5 U.S.C. 552a(e)(1). Similarly, maintaining only those records which are accurate, relevant, timely and complete and which assure fairness in a determination is contrary to established investigative techniques. 5 U.S.C. 552a(e)(5). Requiring investigators to obtain information to the greatest extent practicable directly from the subject individual would be counterproductive to performance of a clandestine criminal investigation. 5 U.S.C. 552a(e)(2). Finally, providing notice to an individual interviewed of: the authority of the interviewer, the purpose to which the information provided may be used, the routine uses of that information and the effect upon the individual should he

choose not to provide the information sought could discourage the free flow of information in a criminal law enforcement inquiry. 5 U.S.C. 552a(e)(3)

(b) *Other Law Enforcement.* In accordance with 5 U.S.C. 552a(k)(2), investigatory material compiled for law enforcement purposes (to the extent it is not already exempted by 5 U.S.C. 552a(j)(2)), is exempted from the following provisions of the Act: (c)(3), (d), (e)(4) (G), (H), and (I), and (f). This material is exempt because the disclosure and other requirements of the Act could substantially compromise the efficacy and integrity of OIG operations. Disclosure could invade the privacy of other individuals and disclose their identity when they were expressly promised confidentiality. Disclosure could interfere with the integrity of information which would otherwise be subject to privileges, *see, e.g.,* 5 U.S.C. 552(b)(5), and which could interfere with other important law enforcement concerns. *See, e.g.,* 5 U.S.C. 552(b)(7)

**DOL/OIG-5****SYSTEM NAME:**

Investigative Case Tracking Systems/  
Audit Information Reporting Systems,  
USDOL/OIG.

**SECURITY CLASSIFICATION**

Sensitive.

**SYSTEM LOCATION:**

Office of Inspector General, U.S.  
Department of Labor, Frances Perkins  
Building, 200 Constitution Avenue, NW.,  
Washington, DC 20210 and the OIG  
regional and field offices.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Auditors, investigators, certain  
administrative support staff and  
contractors of the Office of Inspector  
General.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records or information contained in the system may include: (1) Employee or OIG contractor; (2) social security number; (3) grade/step; (4) training; (5) other details; (6) audit and investigative case tracking data (e.g. audit/investigative case number, program, findings, results, etc.) on audits/investigations; (7) other statistical information.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Pub. L. 95-452, 5 U.S.C. App. 3,  
Inspector General Act of 1978. Training  
Act Secretary's Order 1-80 dated March  
6, 1980 establishing the Office of

Inspector General at the Department of  
Labor.

**PURPOSE(S):**

This system is maintained in order to act as a management information system for OIG projects, cases and personnel.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Please see the routine uses in DOL/OIG-1, above.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

The records are stored on a variety of mediums including paper, microfilm, magnetic tapes or discs, and optical digital data discs.

**RETRIEVABILITY:**

Records are retrieved by computer using individual name(s) or project/case name.

**SAFEGUARDS:**

Direct access is restricted to authorized staff members and contractors of the OIG. Automated records can be accessed only through use of confidential procedures and passwords by authorized personnel in both OIG Headquarters and regional and field offices.

**RETENTION AND DISPOSAL:**

Records are disposed of as provided in National Archives and Records Administration General Records Schedule 25.

**SYSTEM MANAGER(S) AND ADDRESS:**

Assistant Inspector General for  
Investigations, Assistant Inspector  
General for Audit and Assistant  
Inspector General for Labor  
Racketeering, Assistant Inspector  
General, Office of Resource  
Management and Legislative  
Assessment, Office of Inspector  
General, 200 Constitution Avenue NW.,  
Washington, DC 20210.

**RECORDS SOURCE CATEGORIES:**

Official personnel folders; other  
personnel documents, activity  
supervisors, audit/investigation report  
standard forms.

# SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Secretary of Labor has promulgated regulations which exempt information contained in this system of records from various provisions of the Privacy Act depending upon the purpose for which the information was gathered and for which it will be used.

The various law enforcement purposes and the reasons for the exemptions are as follow:

(a) *Criminal Law Enforcement.* Information compiled for this purpose is exempt from all of the provisions of the Act except the following sections: (b), (c) (1) and (2), (e)(4) (A) through (F), (e) (6), (7), (9), (10), and (11), and (i). This material is exempt because the disclosure and other requirements of the Act would substantially compromise the efficacy and integrity of OIG operations in a number of ways. Indeed, disclosure of even the existence of these files would be problematic.

Disclosure could enable suspects to take action to prevent detection of criminal activities, conceal evidence, or escape prosecution. Required disclosure of information contained in this system could lead to the intimidation of, or harm to, informants, witnesses and their respective families or OIG personnel and their families. Disclosure could invade the privacy of individuals other than subjects and disclose their identity when confidentiality was promised to them. Disclosures from these files could interfere with the integrity of other information which would otherwise be privileged, *see, e.g.,* 5 U.S.C. 552(b)(5), and which could interfere with other important law enforcement concerns, *see, e.g.,* 5 U.S.C. 552(b)(7).

The requirement that only relevant and necessary information be included in a criminal investigative file is contrary to good investigative practices which require a full and complete inquiry and exhaustion of all potential sources of information. 5 U.S.C. 552a(e)(1). Similarly, maintaining only those records which are accurate, relevant, timely and complete and which assure fairness in a determination is contrary to established investigative techniques. 5 U.S.C. 552a(e)(5). Requiring investigators to obtain information to the greatest extent practicable directly from the subject individual would be counterproductive to performance of a clandestine criminal investigation. 5 U.S.C. 552a(e)(2). Finally providing notice to an individual interviewed of: the authority of the interviewer, the purpose to which the information provided may be used, the routine uses of that information and the effect upon the individual should he

choose not to provide the information sought could discourage the free flow of information in a criminal law enforcement inquiry. 5 U.S.C. 552a(e)(3)

(b) *Other Law Enforcement.* In accordance with 5 U.S.C. 552a(k)(2), investigatory material compiled for law enforcement purposes (to the extent it is not already exempted by 5 U.S.C. 552a(j)(2)), is exempted from the following provisions of the Act: (c)(3), (d), (e)(4) (G), (H), and (I), and (f). This material is exempt because the disclosure and other requirements of the Act could substantially compromise the efficacy and integrity of OIG operations. Disclosure could invade the privacy of other individuals and disclose their identity when they were expressly promised confidentiality. Disclosure could interfere with the integrity of information which would otherwise be subject to privileges, *see, e.g.,* 5 U.S.C. 552(b)(5), and which could interfere with other important law enforcement concerns. *See, e.g.,* 5 U.S.C. 552(b)(7)

(c) *Protective Services:* In accordance with 5 U.S.C. 552a(k)(3) investigatory material maintained in connection with assisting the U.S. Secret Service to provide protective services to the President of the United States or other individuals pursuant to 18 U.S.C. 3056 is exempt from the following section of the Act: (c)(3), (d), (e)(4) (G), (H), and (I), and (f). This material is exempt in order to enable the OIG to continue its support of the Secret Service without compromising the effectiveness of either agency's activities.

(d) *Contract Investigations.* In accordance with 5 U.S.C. 552a(k)(5) investigatory material compiled solely for the purpose of determining integrity, suitability, eligibility, or qualifications for a DOL contract is exempt from the following sections of the Act: (c)(3), (d), and (f). This exemption was obtained in order to protect from disclosure the identity of a confidential source when an express promise of confidentiality has been given in order to obtain information from sources who would otherwise be unwilling to provide necessary information. *See* 29 CFR 70a.13 (b)(2)(iv).

## DOL/OLMS-1

### SYSTEM NAME:

Investigative Files.

### SECURITY CLASSIFICATION:

None.

### SYSTEM LOCATION:

The Area and District Offices of the Office of Labor-Management Standards listed in the appendix.

## CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Union officials, individuals investigated, and individuals interviewed.

## CATEGORIES OF RECORDS IN THE SYSTEM:

Records compiled in connection with investigations conducted under the Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA), and under the standards of conduct provisions of the Civil Service Reform Act of 1978 (CSRA) and Foreign Service Act of 1980 (FSA) and the implementing regulations at 29 CFR part 458.

## AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 401 et. seq., 5 U.S.C. 7120, 22 U.S.C. 4117, 29 CFR part 458.

## PURPOSE(S):

Records are compiled in connection with enforcement of the LMRDA and the standards of conduct provisions of the CSRA and FSA and the implementing regulations at 29 CFR part 458.

## POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

### STORAGE:

Manual files and manual and computer indices.

### RETRIEVABILITY:

By name of individual, corporate names, and union names.

### SAFEGUARDS:

Access is restricted to authorized personnel.

### RETENTION AND DISPOSAL:

Records pertaining to open investigations are retained in the Area and District offices. OLMS is presently devising a new records retention and disposal schedule for records relating to closed cases. Records having historical value are retained indefinitely.

### SYSTEM MANAGERS AND ADDRESSES:

OLMS Area Administrators and District Directors at the addresses listed in the appendix.

### NOTIFICATION PROCEDURE:

None.

### RECORDS ACCESS PROCEDURE:

None.

### CONTESTING RECORD PROCEDURE:

None.

### RECORD SOURCE CATEGORIES:

None.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system of records is maintained to support criminal enforcement activity, primarily in connection with the investigative responsibilities of OLMS under titles II, V, and VI of the LMRDA. Pursuant to 5 U.S.C. 552a(j)(2) it is exempt from all provisions of the Privacy Act except the following: 5 U.S.C. 552a(b), (c) (1), and (2), (e)(4) (A) through (F), (e) (6), (7), (9), (10), and (11), and (j).

In accordance with 5 U.S.C. 552a(k)(2) records within this system pertaining to other, noncriminal law enforcement activity are exempt from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f). OLMS noncriminal enforcement activity relates primarily to the civil provisions of the LMRDA and to the standards of conduct provisions governing labor organizations subject to the CSRA and FSA.

Exemption under 5 U.S.C. 552a (j)(2) and (k)(2) of information within this system of records is necessary to undertake the investigative and enforcement responsibilities of OLMS, to prevent individuals from frustrating the investigatory process, to prevent subjects of investigation from escaping prosecution of avoiding civil enforcement, to prevent disclosure of investigative techniques, to protect the confidentiality of witnesses and informants and to protect the safety and well-being of witnesses, informants, and law enforcement personnel, and their families.

**LABOR/MSHA-1****SYSTEM NAME:**

Coal and Metal and Nonmetal Mine Accident and Injury.

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

Department of Labor, Mine Safety and Health Administration, Safety and Health Technology Center, 730 Simms Street, Lakewood, Colorado 80401-4720.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individual workers in the coal and metal and nonmetal mining industries.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

These records contain accident, injury, and occupational illness data which includes the mine name and identification number; date, time, and place of occurrence; type and description of accident; and name and social security number of injured miner.

For 1978 and subsequent years, only the last four digits of the social security number are in the records.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

30 U.S.C. 813.

**PURPOSE:**

The collection of this data provides MSHA timely information for making decisions on improving safety and health enforcement programs, improving education and training efforts, and establishing priorities in technical assistance activities in the mining industry.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

The primary uses of the records are (a) to determine probable cause of accidents, injuries, and illnesses and (b) to provide a statistical analytic data base for allocation of MSHA and other resources to reduce occupational injuries and illnesses. Disclosures outside the Department of Labor may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Manual—in file folders, Computer—magnetic media.

**RETRIEVABILITY:**

Indexed and filed by mine identification number and date of accident and injury occurrence or illness diagnosis. Accessed by mine identification, date of accident and social security number of individual(s) involved.

**SAFEGUARDS:**

Computer—In accordance with the National Bureau of Standards publication "computer security Guidelines for implementing the Privacy Act of 1974". Manual—Locked file cabinets. During working hours hard copy files are accessible only to authorized personnel.

**RETENTION AND DISPOSAL:**

Source documents are retained for 5 years after year of record then

destroyed. Records in magnetic media are erased 5 years after year of record.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief, Safety and Health Technology Center, 730 Simms Street, Lakewood, Colorado 80401-4720.

**NOTIFICATION PROCEDURE:**

Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him/her is required.

**RECORD ACCESS PROCEDURES:**

To see your records, write the System Manager and describe specifically as possible the records sought and furnish the following information:

- Full name
- Date of birth
- Social Security number
- Signature

**CONTESTING RECORD PROCEDURES:**

Individuals requesting amendment to the record should contact the System Manager and furnish the following information:

- Full name
- Date of birth
- Social Security number
- Signature

**RECORD SOURCE CATEGORIES:**

Information in these records is obtained from accident, injury, illness and fatality reports submitted by mine operators.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

No.

**LABOR/MSHA-3****SYSTEM NAME:**

Metal and Nonmetal Mine Safety and Health Management Information System.

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

(1) Office of the Administrator for Metal and Nonmetal Mine Safety and Health, U.S. Department of Labor, 4015 Wilson Blvd., Arlington, Virginia 22203. (2) Substantially all Metal and Nonmetal Mine Safety and Health Offices listed in the appendix. (See appendix for addresses).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

MSHA personnel who are covered by the Federal Mine Safety and Health Act

of 1977, Pub. L. 95-164 as amended by Pub. L. 95-164.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Contains records on metal and nonmetal mine safety and health activities which include mine and mill locations, metal and nonmetal mine inspection personnel time and activity, inspections, citations and orders against operators, sampling data on personal exposure of nonidentified miners and MSHA personnel to radiation, dust, noise and other contaminants, and comprehensive surveys on individual operations.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 668.

#### PURPOSE:

To determine workload, contaminant levels and schedule performance of Mine inspection personnel.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are (a) to determine the workload, work scheduling and performance of mine inspection personnel; (b) to maintain records on violations of health and safety standards and regulations; (c) to determine contaminant exposure level; (d) to maintain employment data at metal and nonmetal mines, e.g., number of workers, etc. Disclosure outside the Department of Labor may be made (1) to the National Institute of Occupational Safety and Health and the Environmental Protection Agency (see (c) above); (2) to state agencies (see (b), (c) above); (3) to unions and company officials (see (c) above); (4) to the U.S. Department of Justice when related to litigation or anticipated litigation; and (5) to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation of or for enforcing or implementing a statute, rule, regulation, order or license.

#### DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

#### STORAGE:

Computer—Information from source documents to remote disk storage to host disk storage, with final storage on magnetic tape. Manual—8×10= 1/2 inch reports and forms in standard file cabinets.

#### RETRIEVABILITY:

Computerized and manual records are indexed by mine identification number for operator and by Authorized Representative and ROE number for individuals.

#### SAFEGUARDS:

Computer—In accordance with the National Bureau of Standards Publication Computer Security Guidelines for implementing the Privacy Act of 1974. Manual—Locked file cabinets. During working hours records are accessible only to authorized personnel.

#### RETENTION AND DISPOSAL:

Computer tapes are updated annually and retained indefinitely. Source documents are retained for 2 years then destroyed.

#### SYSTEM MANAGER(S) AND ADDRESS:

Administrative Officer, Metal and Nonmetal Mine Safety and Health, 4015 Wilson Blvd., Arlington, Virginia 22203.

#### NOTIFICATION PROCEDURE:

Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him/her is required.

#### RECORD ACCESS PROCEDURES:

To see your records, write the System Manager and describe specifically as possible the records sought and furnish the following information:

- Full name
- Date of birth
- Social Security number
- Signature

#### CONTESTING RECORD PROCEDURES:

Individuals requesting amendment to the record should contact the system manager and furnish the following information:

- Full name
- Date of birth
- Social Security number
- Signature

#### RECORD SOURCE CATEGORIES:

MSHA inspection personnel and individual mine operators submit reports and information in accordance with prescribed procedures.

#### SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

No.

#### DOL/MSHA-10

#### SYSTEM NAME:

Discrimination Investigations.

#### SECURITY CLASSIFICATION:

Unclassified.

#### SYSTEM LOCATION:

Office of the Administrator for Coal Mine Safety and Health and Office of the Administrator for Metal and Nonmetal Mine Safety and Health, Mine Safety and Health Administration, U.S. Department of Labor, 4015 Wilson Boulevard, Arlington, Virginia 22203 and some of the Coal and Metal and Nonmetal Mine Safety and Health Field offices (see appendix for addresses).

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals alleged to have been discriminated against in violation of the Federal Mine Safety and Health Act of 1977 and the Coal Mine Health and Safety Act of 1969.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Records which contain name, address, telephone number, social security number, occupation, place of employment, and other identifying data along with the type of allegation. This material includes interviews and other confidential data gathered by the investigator.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Investigations conducted pursuant to section 105(c) of Pub. L. 95-173 as amended by Pub. L. 95-164, 30 U.S.C. 815(c).

#### PURPOSE:

To determine validity and gravity of allegations and the amount of civil penalty assessment.

#### ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of records are (a) to determine validity of allegations and (b) for use in determining amount of proposed civil penalty assessments against individuals and operators. Disclosures outside of the Department of Labor may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation of or enforcing or implementing a statute, rule, regulation, order or license; (3) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefits; and (4) to Federal, State, or local agencies where

necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, ACCESSING, RETAINING, AND DISPOSING OF THE RECORDS IN THE SYSTEM:**

**STORAGE:**

In manila file folders.

**RETRIEVABILITY:**

Filed by docket and status of case, complainant's name, indexed by name of mine, docket number, date of receipt and complaints name.

**SAFEGUARDS:**

Maintained in locked file cabinets. Accessed only by authorized personnel.

**RETENTION AND DISPOSAL:**

Retained for 1 year after the case is closed, then transferred to a Federal Records Center where they are retained for 15 years, then destroyed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Administrator for Coal Mine Safety Health, Ballston Towers No. 3, 4015 Wilson Boulevard, Arlington, Virginia 22203; Administrator for Metal and Nonmetal Mine Safety and Health, same address as above.

**NOTIFICATION PROCEDURE:**

Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him/her is required.

**RECORDS ACCESS PROCEDURES:**

To see your records, write the System Manager and describe specifically as possible the records sought and furnish the following information:

- Full name
- Date of birth
- Social Security number
- Signature

**CONTESTING RECORD PROCEDURES:**

Individuals requesting amendment to the record should contact the System Manager and furnish the following information:

- Full name
- Date of birth
- Social Security number
- Signature

**RECORD SOURCE CATEGORIES:**

Mine operators submit the information used in this system.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Under the specific exemption authority provided by 5 U.S.C. 552a(k)(2) exempting this system from the following provisions of the Privacy Act: 5 U.S.C. 552a(c), (3), (d), (e), (1), (e)(4), (G), (H), (I), and (F) and the portions of 29 CFR Part 70a which implement these provisions.

**LABOR/MSHA-13**

**SYSTEM NAME:**

Coal Mine Respirable Dust Program.

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

Coal Mine Safety and Health, MSHA, U.S. Department of Labor, 4015 Wilson Blvd., Arlington, Virginia 22203, and substantially all Coal Mine Safety and Health Offices listed in the appendix.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individual coal miners for whom personal dust samples have been submitted for analysis prior to 1981 and for part 90 miners after 1981.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

These records contain data concerning mine identification, mine section, name of individual and occupation sampled, social security number, date of sample, and concentration of respirable dust contained in the person sampler.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

30 U.S.C. 813(a), 842.

**PURPOSE:**

The primary purpose of the records is to determine compliance with mandatory respirable dust standards.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

The primary use of the record is to determine compliance with mandatory respirable dust standards. Disclosures outside the Department of Labor may be made (1) to the U.S. Department of Health and Human Services in accordance with provisions of Public Law 91-173 as amended by Public Law 95-164; (2) to mine operators to furnish information relevant to the respirable dust program as it applies to their operations as required by the law; (3) to the U.S. Department of Justice when related to litigation or anticipated litigation; and (4) to appropriate Federal, State, local or foreign agencies responsible for investigating or

prosecuting the violation of or for research purposes for enforcing or implementing a statute, rule, regulation, order or license.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF THE RECORDS IN THE SYSTEM:**

**STORAGE:**

Historical data on computer tape and current data on computer disk.

**RETRIEVABILITY:**

Indexed by mine identification number, and social security number for individual coal miners sampled prior to 1981 and for all part 90 miners. This information is available on computer printouts.

**SAFEGUARDS:**

Records for part 90 miners are stored in locked steel cabinets with access being granted only to duly authorized personnel. No other individual records are identifiable.

**RETENTION AND DISPOSAL:**

Results of analysis are transmitted electronically to Denver Information Systems Center. Computer tapes are maintained indefinitely. Laboratory forms and dust data cards are maintained in the districts for 3 years.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief, Division of Health, Coal Mine Safety and Health, MSHA 4015 Wilson Blvd., Arlington, Virginia 22203.

**NOTIFICATION PROCEDURE:**

Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him/her is required.

**RECORDS ACCESS PROCEDURES:**

To see your records, write the System Manager and describe specifically as possible the records sought and furnish the following information:

- Full name
- Date of birth
- Social Security number
- Signature

**CONTESTING RECORD PROCEDURES:**

To see your records, write the System Manager and describe specifically as possible the records sought and furnish the following information:

- Full name
- Date of birth

- c. Social Security number
- d. Signature

**RECORD SOURCE CATEGORIES:**

Mine operators submit the information used in this system via the dust data card that accompanies each dust cassette (sample).

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

No.

**LABOR/MSHA-14****SYSTEM NAME:**

Coal Mine Noise Level Program.

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

(1) Coal Mine Safety and Health, MSHA, U.S. Department of Labor, 4015 Wilson Blvd., Arlington, Virginia 22203;  
(2) substantially all Coal Mine Safety and Health Offices listed in the appendix.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individual coal miners for whom noise level samples have been submitted for analysis.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

These records contain data concerning mine identification, mine section, name of individual sampled, social security number, date of sample, and noise level data.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

30 U.S.C. 813(a), 846.

**PURPOSE:**

To evaluate the effectiveness of MSHA's noise regulations and MSHA's Noise Survey Program.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

The primary uses of the records are (a) to determine noise levels in every active working mine to insure compliance with noise level standards and (b) for special studies relative to occupational types, mining methods, etc. Disclosures outside the Department of Labor may be made (1) to furnish mine operators with information relevant to the noise program as it applies to their operations as required by the law; (2) to the U.S. Department of Justice when related to litigation or anticipated litigation; and (3) to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation of or for

enforcing or implementing a statute, rule, regulation, order or license.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF THE RECORDS IN THE SYSTEM:****STORAGE:**

Currently noise level data is entered onto a form which is sent to district offices for manual processing and filing in manila folders. All district offices utilize diskettes and mini-computers to process the data.

**RETRIEVABILITY:**

Data is indexed by mine identification number, name of mine, name of operator, name of individual and individual social security number.

**SAFEGUARDS:**

Maintained in file cabinet. Accessed only by authorized personnel.

**RETENTION AND DISPOSAL:**

Forms and diskette are retained indefinitely in district offices.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief, Division of Health, Coal Mine Safety and Health, MSHA, 4015 Wilson Blvd., Arlington, Virginia 22203.

**NOTIFICATION PROCEDURE:**

Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him/her is required.

**RECORD ACCESS PROCEDURES:**

To see your records, write the System Manager and describe specifically as possible the records sought and furnish the following information:

- a. Full name
- b. Date of birth
- c. Social Security number
- d. Signature

**CONTESTING RECORD PROCEDURES:**

Individuals requesting amendment to the record should contact the System Manager and furnish the following information:

- a. Full name
- b. Date of birth
- c. Social Security number
- d. Signature

**RECORD SOURCE CATEGORIES:**

Mine operators submit the information used in this system.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

No.

**LABOR/MSHA-15****SYSTEM NAME:**

Health and Safety Training and Examination Records including Qualification and Certification Data.

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

Qualification and Certification Unit, Educational Policy and Development, Mine Safety and Health Administration, P.O. Box 25367, (DFC) Denver, Colorado 80225.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Miners, mining industry personnel, and State and Federal employees who have taken MSHA approved training courses. Also individuals certified and qualified as required by regulations.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

These records contain name, social security number of persons who have taken training and examinations, mine ID number, training course, instructor's name and other relevant data.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Sections 115, 317(i) and 502 of Pub. L. 91-173 as amended by Pub. L. 95-165, 30 U.S.C. 825, 877(i), 952.

**PURPOSE:**

To record the qualifications and certifications of individuals approved in accordance with title 30, Code of Federal Regulations.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

The primary uses of the records are to (a) maintain records of training and examination of individual miners, mining industry personnel, and State and Federal employees who have taken MSHA approved training courses; (b) issue qualification and/or certification cards to individuals who become qualified or certified under the law, as appropriate; (c) issue qualification cards to instructors authorized to teach MSHA approved training courses; (d) provide information to monitor and expand safety training programs; (e) verify that individuals have completed required training; (f) report training data in various formats for a variety of uses, e.g., reporting to Congress, publication, etc. Disclosures outside of the

Department of Labor may be made (1) to mine operators requesting information to verify training required by law; (2) to labor organizations requesting information on training status of its members; (3) to mine operators' associations which require training for policy and programming utilization; (4) to the U.S. Department of Justice when related to litigation or anticipated litigation; and (5) to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation of or for enforcing or implementing a statute, rule, regulation, order or license.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Input forms to key tape to magnetic tapes in the computer system. Microfilm records are stored in the Qualification and Certification Unit.

**RETRIEVABILITY:**

Computerized records are indexed and accessed by mine identification and individual social security numbers. Microfilm records are retrieved on basis of social security number, mine identification numbers, date and course examination.

**SAFEGUARDS:**

Computer safeguards as described in the National Bureau of Standards Publication "Computer Security Guidelines for Implementing the Privacy Act of 1974" and procedures developed by MSHA under GSA Circular E-34. Files are posted with the appropriate Privacy Act warning. During working hours only authorized personnel have access to files.

**RETENTION AND DISPOSAL:**

Computer records are maintained on yearly historical file. Reporting outputs are discarded after they have served their purpose. Microfilm records are maintained indefinitely for historical purposes.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief, Qualification and Certification Unit, Educational Policy and Development, P.O. Box 25367 (DFC), Denver, Colorado 80225.

**NOTIFICATION PROCEDURE:**

Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks

information concerning records pertaining to him/her is required.

**RECORD ACCESS PROCEDURES:**

To see your records, write the System Manager and describe specifically as possible the records sought and furnish the following information:

- Full name
- Date of birth
- Social Security number
- Signature

**CONTESTING RECORD PROCEDURES:**

Individuals requesting amendment to the record should contact the System Manager and furnish the following information:

- Full name
- Date of birth
- Social Security number
- Signature

**RECORD SOURCE CATEGORIES:**

Individuals on whom the records are maintained, instructors of the training courses, mine operators, and MSHA and State personnel.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

No.

**LABOR/MSHA-18**

**SYSTEM NAME:**

Coal Mine Safety and Health Management Information System.

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

(1) Office of the Administrator for Coal Mine Safety and Health, U.S. Department of Labor, 4015 Wilson Boulevard, Arlington, Virginia 22203; (2) substantially all Coal Mine Safety and Health offices listed in the appendix.

**CATEGORIES OF INDIVIDUALS:**

All Coal Mine Safety and Health personnel and key officials at surface and underground coal installations.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Operational characteristics of surface and underground coal operations; identification of key officials at individual mines; functional time utilization information for all Coal Mine Safety and Health personnel; location categorization of all time utilized by inspection personnel for on-site visits to individual mines; violation information on individual mines, and information on plans and other documents submitted by coal mine operators.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

29 U.S.C. 668.

**PURPOSE:**

To record time utilization of Coal Mine Safety and Health personnel, maintain information on characteristics of mining operations and monitor action taken on plans submitted by mine operators.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

To record the time utilization of Coal Mine Safety and Health personnel and (a) to maintain information on characteristics of mining operations; (b) to maintain violation information; (c) to monitor the submission and subsequent actions taken on plans and other documents submitted by coal mine operators. Disclosure outside the Department of Labor may be made: (1) To the U.S. Department of Justice when related to litigation or anticipated litigation; (2) to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of or for enforcing or implementing a statute, rule, regulation, order or license; and (3) to a Federal agency which has requested information relevant to or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Manual files: Magnetic tape and disk units.

**RETENTION AND DISPOSITION:**

Source documents are destroyed when no longer needed. Reports are destroyed after 10 years.

**RETRIEVABILITY:**

By mine identification number, social security number for noninspection personnel, by Authorized Representative number for inspection personnel, by organization code, and by violation number.

**SAFEGUARDS:**

Access limited to authorized representatives in regard to computerized data. Manual records kept in locked file cabinets.

**SYSTEM MANAGER(S) AND ADDRESS:**

Administrator for Coal Mine Safety and Health, MSHA, Department of Labor, 4015 Wilson Boulevard, Arlington, Virginia, Administrator of Metal Nonmetal Safety and Health, MSHA, Department of Labor, 4015 Wilson Boulevard, Arlington, Virginia 22203.

**NOTIFICATION PROCEDURE:**

Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him/her is required.

**RECORD ACCESS PROCEDURES:**

To see your records, write the System Manager and describe specifically as possible the records sought and furnish the following information:

- Full name.
- Date of birth.
- Social Security number.
- Signature.

**CONTESTING RECORD PROCEDURES:**

Individuals requesting amendment to the record should contact the System Manager and furnish the following information:

- Full name.
- Date of birth.
- Social Security number.
- Signature.

**RECORDS SOURCES:**

Coal Mine Safety and Health personnel submit inspection, time utilization, violation and other enforcement information in accordance with prescribed procedures.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

No.

**LABOR/MSHA-19****SYSTEM NAME:**

Employee Conduct Investigations.

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

Mine Safety and Health Administration, Administration and Management, U.S. Department of Labor, 4015 Wilson Blvd., Arlington, Virginia 22203.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Any MSHA employee against whom any allegation of serious misconduct, illegal acts, conflict of interest, etc. has been made.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Contains the name, organization, allegation and other pertinent information relating to the individual involved. It also contains the investigative report associated with the case including interviews and other confidential data gathered by investigators.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, 7301, Executive Order 11222.

**PURPOSE:**

The primary use of the records is to determine facts and circumstances relative to allegations.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

The primary use of the record is to establish facts to and adjudicate cases resulting from employee misconduct. Disclosures outside the Department of Labor may be made (1) To the U.S. Department of Justice when related to litigation or anticipated litigations; (2) to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant, or other benefit.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Manual—in manila envelopes in hanging file folders.

**RETRIEVABILITY:**

Indexed by name in order. Retrieved by assigned file number.

**SAFEGUARDS:**

Stored in CSA approved 3-way combination safe.

**RETENTION AND DISPOSAL:**

Reports of completed investigations are disposed of after 30 years. Matters not subjected to full field investigations are disposed of after 15 years. Destruction is by shredding or burning under supervision.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director of Administration and Management MSHA, 4015 Wilson Blvd., Arlington, Virginia 22203.

**NOTIFICATION PROCEDURE:**

Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him/her is required.

**RECORD ACCESS PROCEDURES:**

To see your records, write the System Manager and describe specifically as possible the records sought and furnish the following information:

- Full name.
- Date of birth.
- Social Security number.
- Signature.

**CONTESTING RECORD PROCEDURES:**

Individuals requesting amendment to the record should contact the System Manager and furnish the following information:

- Full name.
- Date of birth.
- Social Security number.
- Signature.

**RECORD SOURCE CATEGORIES:**

Information in these records is obtained from employee conduct investigation records.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Under the specific exemption authority provided by 5 U.S.C. 522a(k)(2), exempting this system from the following provisions of the Privacy Act: 5 U.S.C. 552a (c)(3), (d), (e)(4) (G), (H), and (I) and (f) and the portions of 29 CFR part 70a which implement these provisions.

**DOL/OSHA-1****SYSTEM NAME:**

Discrimination Complaint File.

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

Regional offices of the Occupational Safety and Health Administration; see appendix I for addresses.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals who have filed complaints alleging discrimination against them by their employers for exercising safety and health rights. Complaints are filed pursuant to section 11(c) of the Occupational Safety and Health Act

(Pub. L. 91-596) or section 405 of the Surface Transportation Assistance Act (Pub. L. 97-424).

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Case files compiled in connection with investigations of discrimination complaints; files include letters of complaint and investigative materials developed during any subsequent investigation.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 11(c) of the Occupational Safety and Health Act (29 U.S.C. 651-678) and Section 405 of the Surface Transportation Assistance Act (49 U.S.C. 2301 et seq.).

#### PURPOSE:

These records are used to store complaints, investigative reports and other related materials applicable to each individual who has filed a complaint with OSHA. The records are used to store investigative materials discovered or created during investigation of violations of section 11(c) of the Occupational Safety and Health Act and/or section 405 of the Surface Transportation Assistance Act. The records also are used as the basis of statistical reports on such activity by regional administrators, investigators, and their supervisors in the Occupational Safety and Health Administration.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made to the National Labor Relations Board, state occupational safety and health agencies, and to other Federal and State agencies when they are conducting similar or related investigations.

#### DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

Manual files.

##### RETRIEVABILITY:

By complainant's name or case identification number.

##### SAFEGUARDS:

Locked storage equipment and personnel screening.

##### RETENTION AND DISPOSAL:

Destroy five years after case is closed.

#### SYSTEM MANAGER(S) AND ADDRESS:

Regional administrator at address in appendix I where system is located.

#### NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about them should contact the system manager at the system location listed above.

#### RECORD ACCESS PROCEDURE:

Individuals wishing to gain access to non-exempt records should contact the system manager at the system location listed above.

#### CONTESTING RECORD PROCEDURE:

Individuals wishing to request amendment of any non-exempt records should contact the system manager at the system location listed above.

#### RECORD SOURCE CATEGORIES:

Individual complaints filed alleging discrimination by employers against employees who have exercised job safety and health responsibilities; information compiled in connection with investigations against such alleged discrimination.

#### SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

In accordance with paragraph (k)(2) of the Privacy Act, investigatory material compiled for law enforcement purposes which is maintained in the Discrimination Complaint File is exempt from paragraphs (c)(3); (d); (e)(1); (e)(4) (G), (H) and (I); and (f) of 5 U.S.C. 552a. Disclosure of information in this file could threaten investigators, witnesses, and their families with adverse consequences and could threaten effective enforcement of the Occupational Safety and Health Act and the Surface Transportation Assistance Act. To conduct effective investigations it is necessary to guarantee the confidentiality of information being collected. Release of such information would constitute a breach of confidentiality, could lead to the intimidation, harassment or dismissal from employment of those involved, and could discourage those contacted in future investigations from cooperating with investigators.

#### DOL/OSHA-4

#### SYSTEM NAME:

Advisory Committee Candidates' Biographies.

#### SECURITY CLASSIFICATION:

Unclassified.

#### SYSTEM LOCATION:

Division of Consumer Affairs, Office of Information & Consumer Affairs, Occupational Safety and Health Administration, room N-3647, 200 Constitution Avenue, NW., Washington, DC 20210.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been nominated for membership on an OSHA ad hoc advisory committee, or for membership to the statutorily established National Advisory Committee on Occupational Safety and Health (NACOSH) and Advisory Committee on Construction Safety and Health (ACCSH).

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Occupational Safety and Health Act of 1970 (29 U.S.C. 651-678) and the Federal Advisory Committee Act (5 U.S.C. app.).

#### PURPOSE:

These records are established as individuals are recommended for membership to an advisory committee. The records consist of nominations and include detailed résumés of the professional background and work history of each nominee. They are used by the Assistant Secretary of Labor to make selections and recommendations to the Secretary of Labor for appointment.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None.

#### DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

Manual files.

##### RETRIEVABILITY:

By nominee's name.

##### SAFEGUARDS:

Locked storage equipment and personnel screening.

##### RETENTION AND DISPOSAL:

a. Advisory committee members: Permanent transfer to National Archives three years after expiration of term of service.

b. Advisory committee nominees not selected to serve on an advisory committee: Destroy when five years old.

**SYSTEM MANAGER AND ADDRESS:**

Director, Office of Information & Consumer Affairs, room N-3647, OSHA, U.S. Department of Labor, Washington, DC 20210.

**NOTIFICATION PROCEDURE:**

Individuals wishing to inquire whether this system of records contains information about them should contact the system manager at the system location listed above.

**RECORD ACCESS PROCEDURE:**

Individuals wishing to gain access to non-exempt records should contact the system manager at the system location listed above.

**CONTESTING RECORD PROCEDURE:**

Individuals wishing to request amendment of any non-exempt records should contact the system manager at the system location listed above.

**RECORD SOURCE CATEGORIES:**

Nominations submitted by various individuals and organizations in the private sector and by government agencies.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Not applicable.

**DOL/OSHA-6****SYSTEM NAME:**

Compliance Safety and Health Officer Manpower File.

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

Office of Management Data Systems, Occupational Safety and Health Administration, room N-3661, U.S. Department of Labor, Washington, DC 20210.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Compliance Safety and Health Officers of the Occupational Safety and Health Administration.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Time sheets/logs documenting compliance safety and health officers' activities covering inspection, monitoring and other compliance-related data.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Occupational Safety and Health Act of 1970 (29 U.S.C. 651-678).

**PURPOSE:**

These records are maintained to document the amounts of time spent by

OSHA compliance safety and health officers on their various compliance-related activities. The data compiled from the time sheets are used to analyze program activity by producing such activity measures as time spent on each of various types of compliance-related activities; the data are used by key agency officials to assist in measuring the effectiveness of OSHA's enforcement activities.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

None.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Magnetic media and manual files.

**RETRIEVABILITY:**

By compliance safety and health officer identifying number or by inspection/investigation number.

**SAFEGUARDS:**

Computer file accessible only through password system available only to authorized personnel; manual files in locked storage equipment.

**RETENTION AND DISPOSAL:**

Source documents for ADP system are destroyed after two years; data files maintained indefinitely.

**SYSTEM MANAGER AND ADDRESS:**

Director, Office of Management Data Systems, Occupational Safety and Health Administration, room N-3661, U.S. Department of Labor, Washington, DC 20210.

**NOTIFICATION PROCEDURE:**

Individuals wishing to inquire whether this system of records contains information about them should contact the system manager at the system location listed above.

**RECORD ACCESS PROCEDURE:**

Individuals wishing to gain access to non-exempt records should contact the system manager at the system location listed above.

**CONTESTING RECORD PROCEDURE:**

Individuals wishing to request amendment of any non-exempt records should contact the system manager at the system location listed above.

**RECORD SOURCE CATEGORIES:**

Compliance safety and health officers'/investigators' time logs.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Not applicable.

**DOL/OSHA-9****SYSTEM NAME:**

OSHA Compliance Safety and Health Officer Training Record.

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

Regional offices of the Occupational Safety and Health Administration; see Appendix I for addresses.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Compliance safety and health officers of the Occupational Safety and Health Administration.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records reflecting training courses and programs completed by compliance safety and health officers of the Occupational Safety and Health Administration.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Occupational Safety and Health Act of 1970 (29 U.S.C. 651-678).

**PURPOSE:**

These records are used to determine which compliance safety and health officers have completed required training and which need added training. They are used to analyze individual training needs and to assess overall needs for training in upcoming periods; used by Regional Administrators for planning and budgetary purposes.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

None.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Manual files.

**RETRIEVABILITY:**

By name of individual compliance safety and health officer.

**SAFEGUARDS:**

Locked file cabinets.

**RETENTION AND DISPOSAL:**

Upon termination of employment of a compliance safety and health officer, or upon transfer.

**SYSTEM MANAGER(S) AND ADDRESS**

Regional administrator at address in Appendix I where system is located.

**NOTIFICATION PROCEDURE:**

Individuals wishing to inquire whether this system of records contains information about them should contact the system manager at the system location listed above.

**RECORD ACCESS PROCEDURE:**

Individuals wishing to gain access to non-exempt records should contact the system manager at the system location listed above.

**CONTESTING RECORD PROCEDURE:**

Individuals wishing to request amendment of any non-exempt records should contact the system manager at the system location listed above.

**RECORD SOURCE CATEGORIES:**

Office of Personnel Management official personnel folders; certificates of training; individuals concerned.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Not applicable.

**DOL/OSHA-10****SYSTEM NAME:**

OSHA Train the Trainer Outreach Program.

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

Office of Training and Education, Occupational Safety and Health Administration, U.S. Department of Labor, 1555 Times Drive, Des Plaines, Illinois 60018.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Students who have satisfactorily completed courses 500, 501, 502 and 503 and who, as a result of taking the courses, have elected to conduct the same or similar courses as OSHA certified instructors for their employing organization or other interested groups; and students who have received instruction from the OSHA certified instructors.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Instructor and student's name and address, instructor's phone number, date

certified, and date re-certified; number of persons supervised by student.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Occupational Safety and Health Act of 1970 (29 U.S.C. 651-678).

**PURPOSE:**

To maintain a record of individuals who are qualified to present instruction on occupational safety and health matters.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records are used by staff of the Training Institute to determine when individuals are in need of updated instruction to maintain their qualification as certified instructors; by Training Institute staff to select qualified individuals to fulfill requests from employers or their representatives for instructors qualified to teach occupational safety and health topics; and to provide certified instructors with appropriate safety and health instructional materials when the materials become available.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Manual and ADP files.

**RETRIEVABILITY:**

By name of OSHA certified instructor (manual); by name of OSHA certified instructor, date certified, state of residence (ADP).

**SAFEGUARDS:**

Locked file cabinets for manual files and computer discs locked in file cabinets; password system for authorized persons for ADP files.

**RETENTION AND DISPOSAL:**

Dispose of when no longer needed for administrative purposes.

**SYSTEM MANAGER AND ADDRESS:**

Chief, Division of Training and Educational Programs, Occupational Safety and Health Administration, U.S. Department of Labor, 1555 Times Drive, Des Plaines, Illinois 60018.

**NOTIFICATION PROCEDURE:**

Individuals wishing to inquire whether this system of records contains information about them should contact the system manager at the system location listed above. Name, address,

date certified, instructor's name and date instructed will be provided.

**RECORD ACCESS PROCEDURES:**

Individuals wishing to gain access to non-exempt records should contact the system manager at the system location listed above.

**CONTESTING RECORD PROCEDURES:**

Individuals wishing to request amendment of any non-exempt records must contact the system manager at the system location listed above.

**RECORD SOURCE CATEGORIES:**

The certified instructors and students.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Not applicable.

**DOL-OSHA 12****SYSTEM NAME:**

OSHA Employee Conduct Investigations

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATIONS:**

Directorate heads, separate Office heads, Regional Administrators, Director OSHA Training Institute, Director Cincinnati Laboratory, Director Salt Lake City Laboratory, of the Occupational Safety and Health Administration (OSHA).

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name, organization, and other information relating to the individual involved. The record also contains investigative report(s) associated with the case, including interviews and other confidential data gathered.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301.

**PURPOSE(S):**

These records are maintained to ensure that all appropriate records of problems, misconduct, illegal acts, conflicts of interest, etc., are retained and available to agency, Departmental, or other Federal officials having a need for the information in the performance of their official duties and to support actions taken based on the records.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosure to other Federal agencies, including the Department of Justice, the FBI, and to any other Federal, State or local government official responsible for investigating or prosecuting the

violation of or for enforcing or implementing statutes, rules, regulations, orders or licenses.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

The records are stored in file folders in metal file cabinets.

**RETRIEVABILITY:**

Filed by name or other identifying code such as a case file number.

**SAFEGUARDS:**

The files are maintained in locked file cabinets with access available only to those with a need to know the information to perform their officially assigned duties.

**RETENTION AND DISPOSAL:**

Completed investigations and those not subject to full investigation are disposed of after seven years.

**SYSTEM MANAGERS AND ADDRESSES:**

Directorate heads, separate Office heads, Regional Administrators, Director, OSHA Training Institute, Director Cincinnati Laboratory, Director Salt Lake City Laboratory, of OSHA at addresses listed in Appendix I.

**NOTIFICATION PROCEDURE:**

Inquiries should be mailed to system managers listed above at addresses listed in Appendix I.

**RECORD ACCESS PROCEDURES:**

Individuals wishing to gain access to non-exempt records should contact the system manager at the system locations listed in Appendix I.

**CONTESTING RECORD PROCEDURE:**

Individuals wishing to request amendment of any non-exempt records should contact the system manager at the location listed in appendix I.

**RECORD SOURCE CATEGORIES:**

Hotline complaints received through the Office of the Inspector General, or through the General Accounting Office; incident reports submitted by other employees or members of the public; and other investigative reports.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

In accordance with paragraph (k)(2) of the Privacy Act, investigatory material compiled for law enforcement purposes which is maintained in Employee Conduct Investigation files is exempt

from paragraphs (c)(3); (d); (e)(1); (e)(4) (G), (H), and (I); and (f) of the Privacy Act. Disclosure of information could enable the subject of the record to take action to escape prosecution and could avail the subject greater access to information than already provided under rules of discovery. In addition, disclosure of information might lead to intimidation of witnesses, informants or their families, and could discourage those contacted in future investigations from cooperating with investigators.

**DOL/OSHA-13**

**SYSTEM NAME:**

OSHA Office of Training and Education Automated Registration System.

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

Office of Training and Education, Occupational Safety and Health Administration, U.S. Department of Labor, 1555 Times Drive, Des Plaines, Illinois 60018.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Students from the U.S. Department of Labor, state governments, other Federal agencies and from the private sector. These students are primarily compliance safety and health officers, safety specialists, safety engineers, safety officers, industrial hygienists, instructors, loss control specialists, and others in occupations related to occupational safety and health.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Each student's file contains the following information: student's name, office name, office address, office telephone number, course enrollment history, tuition status, student employment origin, cumulative record of student's continuing educational units (CEU's), certification maintenance points (CM's) issued by this office from fiscal year 1989 to the present.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Occupational Safety and Health Act of 1970 (29 U.S.C. 651-678).

**PURPOSE:**

To maintain needed enrollment information for proper management of course schedules, curricula and determining individual training needs.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:**

Records are used by managers and Training Institute staff to develop class rosters, student enrollment history, course/class enrollment changes on a weekly basis, training verification, cancellation notices, confirmation letters and certificates of completion for individual students.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS:**

**STORAGE:**

Magnetic media and manual files.

**RETRIEVABILITY:**

The operators who operate the system can access information by student's name or by course number. The system administrator can access by student's name, course number, date of enrollment, employment origin, company name, address and phone number.

**SAFEGUARDS:**

Manual files are stored in locked file cabinets. Hard disk in the computer is secured by the use of a system lock to which only authorized staff have access. Backup floppy disks are stored in locked file cabinets. Access to all manual and ADP files is restricted to authorized personnel only.

**RETENTION AND DISPOSAL:**

Data for the current year and two preceding years will be resident on the computer hard disk. Data pre-dating this time will be backed up on floppy disks and stores in a locked cabinet. In no case will data predate fiscal year 1989. Files will be destroyed when no longer of any administrative use.

**SYSTEM MANAGER AND ADDRESS:**

Administrative officer, Office of Training and Education, at system location listed above.

**NOTIFICATION PROCEDURE:**

Individuals wishing to inquire whether this system of records contains information about them should contact the system manager at the system location listed above.

**RECORD ACCESS PROCEDURE:**

Individuals wishing to gain access to non-exempt records should contact the system manager at the system location listed above.

**CONTESTING RECORD PROCEDURE:**

Individuals wishing to request amendment of any non-exempt records should contact the system manager at the system location listed above.

**RECORD SOURCE CATEGORIES:**

The student's registration information for students from Federal OSHA is the Form DL-101. Registration information for other students is obtained by telephone or by letter.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Not applicable.

**DOL/PWBA-1****SYSTEM NAME:**

Executive Secretary, Employee Retirement Income Security Act (ERISA) Advisory Council on Employee Welfare and Pension Benefit Plans.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

U.S. Department of Labor, 200 Constitution Avenue, N.W., room S2524, Washington, DC 20210.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Private persons who are members of or have been recommended for appointment to the Advisory Council on Employee Welfare and Pension Benefit Plans.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Biographical, professional and personal data contained in background files on members and prospective members.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

29 U.S.C. 1135, *et sequentia*.

**PURPOSE(S):**

To maintain a record of all members of and nominees for the Advisory Council on Employee Welfare and Pension Benefit Plans. These records are a source of professional and personal data and other background information.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

None.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Manual files.

**RETRIEVABILITY:**

Indexed alphabetically by subject's name.

**SAFEGUARDS:**

Files are maintained by Executive Secretary of the Advisory Council and are available or accessible only to limited Executive Staff members of the Office of the Assistant Secretary.

**RETENTION AND DISPOSAL:**

Break file annually. Transfer to Federal Records Center when three years old. Transfer to National Archives when 10 years old.

**SYSTEM MANAGER(S) AND ADDRESS:**

Assistant Secretary for Pension and Welfare Benefits, U.S. Department of Labor, 200 Constitution Avenue, N.W., room S2524, Washington, DC 20210.

**NOTIFICATION PROCEDURE:**

Individuals wishing to inquire whether this system of records contains information about them should contact the system manager indicated above. Individuals must furnish their full names for their records to be located and identified.

**RECORD ACCESS PROCEDURES:**

Same as Notification procedure. Individuals requesting access must also comply with Privacy Act regulations on verification of identity and access to records (5 CFR 297.201 and 297.203).

**CONTESTING RECORD PROCEDURES:**

Same as Notification procedure above except individuals desiring to contest or amend information maintained in the system should direct their written request to the System Manager listed above, and state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**RECORD SOURCE CATEGORIES:**

The individual concerned and groups or entities making recommendations for Council membership.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**DOL/PWBA-2****SYSTEM NAME:**

Office of Enforcement Index Cards and Investigation Files.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

U.S. Department of Labor, 200 Constitution Avenue, N.W., room N5718, Washington, DC 20210 and all PWBA field offices.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Plan administrators, trustees, and those individuals who provide advice or services to employee benefit plans and other individuals involved in investigations and enforcement actions.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Information including plan name, plan administrator's name, service provider name, trustees and plan participant or beneficiary's name.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 1135, *et sequentia*.

**PURPOSE(S):**

The index cards are used to access case files and correspondence files of plan administrators, trustees, and those individuals providing advice or services to the plan and other individuals involved in investigations and enforcement actions instituted by the Department of Labor (DOL) under the Employee Retirement Income Security Act of 1974 (ERISA).

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

a. Where there is an indication of a violation or potential violations of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign. If such agency is participating in the particular investigation, the relevant records may continue to be used by the agency to investigate possible violations of the laws administered by it and to bring appropriate proceedings.

b. A record from this system of records may be disclosed to a Federal, State, local or foreign governmental authority, in response to its request in connection with the hiring or retention of an employee, in the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or benefit by the requesting agency to the extent that the

information is relevant and necessary to the requesting agency's decision on such matters.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

The records in this system are maintained on 3 x 5 index cards and manual cases files.

**RETRIEVABILITY:**

Records are retrieved by name of plan, participant or beneficiary's name, service provider name, and/or trustee name, case number, plan EIN/PN, service provider and/or trustee EIN. Index cards are filed alphabetically.

**SAFEGUARDS:**

Locked storage equipment. Direct access to and use of these records is restricted to authorized personnel in the Office of Enforcement and PWBA field offices.

**RETENTION AND DISPOSAL:**

Investigative case files are retained in the office for one year upon completion of litigation and/or actions based thereon, transferred to the Federal Records Center for seven years, then destroyed. Index cards are retained permanently.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director of Enforcement, Pension and Welfare Benefits Administration, Department of Labor, 200 Constitution Avenue, NW., room N5716, Washington, DC 20210.

**NOTIFICATION PROCEDURE:**

Individuals wishing to inquire whether this system of records contains information about them should contact the system manager indicated above. Individuals should furnish their full name, address and employee benefit plan association, and identify the employee benefit plan by name, address and EIN (if known).

**RECORD ACCESS PROCEDURES:**

Specific materials in this system have been exempted from Privacy Act provisions under 5 U.S.C. 552a (j) and (k). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received. Access procedures are the same as Notification procedure above. Individuals requesting access must also

comply with Privacy Act regulations on verification of identity and access to records (5 CFR 297.201 and 297.203).

**CONTESTING RECORD PROCEDURES:**

Same as Notification procedure above except individuals desiring to contest or amend information maintained in the system should direct their written request to the system manager listed above, and state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**RECORD SOURCE CATEGORIES:**

Individual complaints, witnesses, interviews conducted during investigations on cases opened in the Office of Enforcement or in any of the field offices of PWBA.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

a. *Criminal Law Enforcement:* In accordance with subsection (j)(2) of the Privacy Act, information maintained in the files of the Office of Enforcement (OE) consisting of index cards and investigatory files is exempted from all provisions contained in 5 U.S.C. 552a, except those requirements set forth in subsections (b), (c) (1) and (2), (e)(4) (A) through (F), (e) (6), (7), (9), (10) and (11) and (i) of the Act. The disclosure of information contained in the criminal investigatory files, including the names of persons or agencies to whom the information has been transmitted, would substantially compromise the effectiveness of OE investigations. Knowledge of such investigations could enable suspects to take such action as is necessary to prevent detection of criminal activities, conceal evidence, or to escape prosecution. Disclosure of this information could lead to the intimidation of, or harm to, informants, witnesses, and their respective families and could jeopardize the safety and well-being of investigative personnel and their families. The imposition of certain restrictions on the manner in which investigative information is collected, verified or retained would impede significantly the effectiveness of OE investigatory activities and in addition, may often preclude the apprehension and successful prosecution of persons engaged in fraud or criminal activity.

b. *Other Law Enforcement:* In accordance with subsection (k)(2) of the Privacy Act, any investigatory material compiled for law enforcement purposes, other than material within the scope of subsection (j)(2) of the Act, which is maintained in OE investigatory files, is

exempt from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f) of the Act. The disclosure of information contained in civil investigative files, including the names of persons or agencies to whom the information has been transmitted, would substantially compromise the effectiveness of OE's investigative activity. Knowledge of such investigations would enable subjects to take such action as is necessary to prevent detection of illegal activities, conceal evidence, or otherwise escape civil enforcement action. Disclosure of this information could lead to the intimidation of, or harm to, informants, witnesses and their respective families, and in addition, could jeopardize the safety and well-being of investigative personnel and their families. The imposition of certain restrictions on the manner in which investigative information is collected, verified, and retained would also impede significantly the effectiveness of the investigatory activities of the Office of Enforcement.

**DOL/PWBA-3**

**SYSTEM NAME:**

ERISA Coverage Correspondence Files.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

U.S. Department of Labor, 200 Constitution Avenue, NW., room N5646, Washington, DC 20210.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

The general public.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Letters from the general public relating to certain aspects of Title I of ERISA, the Department's replies thereto, advisory opinions and related internal memoranda, including notes pertaining to meetings and telephone calls.

**AUTHORITY FOR THE MAINTENANCE OF THE SYSTEM:**

29 U.S.C 1135, *et sequentia*.

**PURPOSE(S):**

These records are maintained to take action on or to respond to a complaint or an inquiry concerning certain aspects of Title I of ERISA.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:**

Advisory opinions and selected information letters may be disclosed in response to public requests under

PWBA's applicable internal review procedures.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Manual files and computer storage.

**RETRIEVABILITY:**

Manual files are indexed alphabetically, by name of correspondent. Data is entered into computer system by a control number.

**SAFEGUARDS:**

Access to these records is limited to authorized PWBA staff. Computer system is password protected and accessible only to personnel creating the data base.

**RETENTION AND DISPOSAL:**

Manual records are maintained for four years then transferred to the Federal Records Center for five additional years, then destroyed. Computer files will be retained until incorporated into PWBA records disposition schedule.

**SYSTEM MANAGER AND ADDRESS:**

Director of Regulations and Interpretations, Pension and Welfare Benefits Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., room N5671, Washington, DC 20210.

**NOTIFICATION PROCEDURE:**

Individuals wishing to inquire whether this system of records contains information about them should contact the system manager indicated above. All requests must be in writing and mailed, or presented in person during the Department's normal working hours.

**RECORD ACCESS PROCEDURE:**

Same as Notification procedure. Individuals requesting access must also comply with Privacy Act regulations on verification of identity and access to records (5 CFR 297.201 and 297.203).

**CONTESTING RECORD PROCEDURES:**

Same as Notification procedure above except individuals desiring to contest or amend information maintained in the system should direct their written request to the system manager listed above, and state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**RECORD SOURCE CATEGORIES:**

Correspondence from individuals and responses thereto.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**DOL/PWBA-4**

**SYSTEM NAME:**

Inquiry Correspondence Files.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

U.S. Department of Labor, 200 Constitution Avenue, NW, room N5658, Washington, DC 20210.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Members of Congress, Senators, and private citizens.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

General and congressional inquiries and correspondence regarding all aspects of pension and welfare benefit plans and the status of individuals under these plans.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

29 U.S.C. 1135 *et sequentia*.

**PURPOSE(S):**

These records are used to take action on or respond to inquiries and responses from members of Congress, Senators, and private citizens.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

None.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are maintained in file cabinets and on computer system.

**RETRIEVABILITY:**

Inquiries and responses from Members of Congress, Senators and private citizens are indexed alphabetically by last name.

**SAFEGUARDS:**

Manual files are maintained in file cabinets with access limited to staff of the Division of Technical Assistance and Inquiries. Computer system is password protected and limited to use by authorized personnel.

**RETENTION AND DISPOSAL:**

Manual records are maintained for two years, then destroyed. Computer files are destroyed when three years old or when no longer needed for reference.

**SYSTEM MANAGER AND ADDRESS:**

Director of Program Services, Pension and Welfare Benefits Administration, U.S. Department of Labor, room N5670, 200 Constitution Avenue, NW., Washington, DC 20210.

**NOTIFICATION PROCEDURE:**

Individuals wishing to inquire whether this system of records contains information about them should contact the system manager indicated above. Individuals must furnish their full names for their records to be located and identified.

**RECORD ACCESS PROCEDURES:**

Same as Notification procedure. Individuals requesting access must also comply with Privacy Act regulations on verification of identity and access to records (5 CFR 297.201 and 297.203).

**CONTESTING RECORD PROCEDURES:**

Same as Notification procedure above except individuals desiring to contest or amend information maintained in the system should direct their written request to the System Manager listed above, and state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**RECORD SOURCE CATEGORIES:**

Congressional and public correspondence.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**DOL/PWBA-5**

**SYSTEM NAME:**

Public Disclosure Request Tracking System.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

U.S. Department of Labor, 200 Constitution Avenue, NW., room N5507, Washington, DC 20210.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Plan participants, general public, private organizations, State or local government.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Data regarding the request for information and/or reports regarding employee benefit plans or benefits. Data includes individual's name, street address, city, state, zip code, and telephone number.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 1135, *et sequentia*.

**PURPOSE(S):**

These records are maintained to process requests made for information and/or reports in reference to pension and welfare benefit plans.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

These records are used by PWBA managers to document and process requests for information and to compile statistical reports regarding such requests for management information purposes.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Manual files and computer storage.

**RETRIEVABILITY:**

Requests are sorted numerically by public disclosure request number. Records in this system are retrieved by computer and manually using the name of requester, public disclosure request number, or EIN/PN number.

**SAFEGUARDS:**

Manual files are maintained in file cabinets with access limited to authorized personnel. Computer system is password protected and accessible only to personnel creating and maintaining the data base.

**RETENTION AND DISPOSAL:**

Manual records are maintained for two years, then destroyed. Computer files will be retained until incorporated in a PWBA records disposition schedule.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director of Program Services, Pension and Welfare Benefits Administration, U.S. Department of Labor, room N5670, 200 Constitution Avenue, NW., Washington, DC 20210.

**NOTIFICATION PROCEDURE:**

Individuals wishing to inquire whether this system of records contains information about them should contact

the system manager indicated above. Individuals must furnish their full names for their records to be located and identified.

**RECORD ACCESS PROCEDURES:**

See Notification procedure above. Individuals requesting access must also comply with Privacy Act regulations on verification of identity and access to records (5 CFR 297.201 and 297.203).

**CONTESTING RECORD PROCEDURES:**

Same as Notification procedure above except individuals desiring to contest or amend information maintained in the system should direct their written request to the system manager listed above, and state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**RECORD SOURCE CATEGORIES:**

Sources of information contained in this system are the individual requests for disclosure of reports and/or information from the general public.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**DOL/SOL-1****SYSTEM NAME:**

Conflict of Interest File.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Division of Labor-Management Laws, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210 and Offices of the Regional Solicitors and Associate Regional Solicitors at various field locations.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Those persons from whom reports may be required under Sections 202 and 203, Labor-Management Reporting and Disclosure Act (LMRDA) (29 U.S.C. 432, 433), are those allegedly having conflicts of interest who must file reports under these sections. Investigation relates to civil litigation or criminal prosecution.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Investigative reports, legal analyses, forwarding memoranda.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Section 202, LMRDA (29 U.S.C. 432); Section 203, LMRDA (29 U.S.C. 433); Section 601, LMRDA (29 U.S.C. 521) (investigative authority) Section 209,

LMRDA (29 U.S.C. 439); Section 607, LMRDA (29 U.S.C. 527).

**PURPOSE:**

To enforce LMRDA requirement that persons with conflicts of interest file designated reports.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Files interchanged in the processing of cases with the Department of Justice and Assistant U.S. Attorneys to enforce the LMRDA by court action.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Manual files.

**RETRIEVABILITY:**

Indexed by name.

**SAFEGUARDS:**

Restricted to official business within agency, personnel screening.

**RETENTION AND DISPOSAL:**

Currently files are maintained for fiscal years 1983 through 1988.

**SYSTEM MANAGER(S) AND ADDRESS:**

Associate Solicitor, Division of Labor-Management Laws, Office of the Solicitor, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, and Regional Solicitors and Associate Regional Solicitors at various field offices.

**NOTIFICATION PROCEDURE:**

Contact system managers.

**RECORD ACCESS PROCEDURE:**

As in notification procedure.

**CONTESTING RECORD PROCEDURE:**

As in notification procedure.

**RECORD SOURCE CATEGORIES:**

Complainants, witnesses, investigative reports.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**DOL/SOL-2****SYSTEM NAME:**

Employment and Training Legal Services Litigation and Investigation File.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

United States Department of Labor,  
room N-2101, 200 Constitution Avenue,  
NW., Washington, DC 20210.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Named plaintiffs and complainants in court and administrative proceedings involving the Employment and Training Administration, the Office of the Assistant Secretary of Labor for Veterans' Employment and Training, and the procurement activities of the Office of the Assistant Secretary of Labor for Administration and Management. Individual subjects of administrative investigations under programs of the Employment and Training Administration, the Office of the Assistant Secretary of Labor for Veterans' Employment and Training, and procurement activities of the Office of the Assistant Secretary of Labor for Administration and Management.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Court and litigation files contain little, if any, information regarding the individual other than that supplied by the individual in its complaint. Investigatory files include employment and financial information related to possible fraudulent activity on the part of the individual.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301.

**PURPOSE(S):**

Court and administrative files used in court and administrative litigation. Investigatory files used in investigations.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

In addition to those contained in the United States Department of Labor's prefatory statement, information is disclosed to United States Department of Justice for that agency's determination regarding potential litigation and in the course of actual litigation.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Manual files.

**RETRIEVABILITY:**

By name of plaintiffs and complainants and individual subjects being investigated.

**SAFEGUARDS:**

Physical security; files are kept in office suite that is locked after working hours.

**RETENTION AND DISPOSAL:**

Files are maintained as long as the case is open. When the case is closed and it is determined that the file is no longer needed, the file is then sent to Archives for ultimate disposal.

**SYSTEM MANAGER(S) AND ADDRESS:**

Associate Solicitor of Labor for Employment and Training Legal Services, United States Department of Labor, room N-2101, 200 Constitution Avenue, NW., Washington, DC 20210.

**NOTIFICATION PROCEDURE:**

As in "System manager(s) and address" above.

**RECORD ACCESS PROCEDURES:**

As in "System manager(s) and address" above.

**CONTESTING RECORD PROCEDURES:**

As in "System manager(s) and address" above.

**RECORD SOURCE CATEGORIES:**

Information normally is obtained from other organizations within the United States Department of Labor.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**DOL/SOL-3****SYSTEM NAME:**

Federal Tort Claims Act (FTCA).

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATIONS:**

U.S. Department of Labor, 200 Constitution Avenue, NW., room N-4631, Washington, DC 20210.

See attachment—for additional locations.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Claimants under the Federal Tort Claims Act.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Tort claims file, including negligence, medical, personnel and legal reports, summaries, correspondence and memoranda.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

28 U.S.C. 2671 et seq.

**PURPOSE(S):**

To allow adjudication of claims filed under the Federal Tort Claims Act.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

None other than those contained in the Department's Prefatory Statement published in the Federal Register of September 8, 1975 (40 FR 41739).

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Manual files.

**RETRIEVABILITY:**

Name of claimant.

**SAFEGUARDS:**

Files are kept in office suite that is locked after working hours.

**RETENTION AND DISPOSAL:**

Records retention is being determined by NARS.

**SYSTEM MANAGER(S) AND ADDRESS:**

Associate Solicitor, Division of Employee Benefits, U.S. Department of Labor, 200 Constitution Avenue, NW., room N-4631, Washington, DC 20210.

**NOTIFICATION PROCEDURE:**

See system manager(s) and addresses.

**RECORD ACCESS PROCEDURES:**

Inquirer should provide his full name, plus date and place of incident.

**CONTESTING RECORD PROCEDURES:**

See record access procedures.

**RECORD SOURCE CATEGORIES:**

Claimants, current and former employers, witnesses, physicians, insurance companies, attorneys, police, hospitals, other individuals.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**DOL/SOL-5****SYSTEM NAME:**

Job Training Partnership Act (JTPA).

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

U.S. Department of Labor, 200 Constitution Avenue, NW., room N-4631, Washington, DC 20210.

See attachment—for additional locations.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Claimants.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Tort claims file, including negligence, medical, personnel and legal reports, summaries, correspondence, and memoranda.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

29 U.S.C. 1501 et seq.

**PURPOSE(S):**

To allow adjudication of claims filed under the Job Training Partnership Act.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

None other than those contained in the Department's Prefatory Statement published in the *Federal Register* of September 8, 1975 (40 FR 41739).

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Manual files.

**RETRIEVABILITY:**

Name of claimant.

**SAFEGUARDS:**

Files are kept in office suite that is locked after working hours.

**RETENTION AND DISPOSAL:**

Records retention is being established by NARS.

**SYSTEM MANAGER(S) AND ADDRESS:**

Associate Solicitor, Division of Employee Benefits, U.S. Department of Labor, 200 Constitution Avenue, NW., room N-4631, Washington, DC 20210.

**NOTIFICATION PROCEDURE:**

See system manager(s) and addresses.

**RECORD ACCESS PROCEDURES:**

Inquirer should provide his full name, plus date and place of incident.

**CONTESTING RECORD PROCEDURES:**

See record access procedures.

**RECORD SOURCE CATEGORIES:**

Claimants, current and former employers, witnesses, physicians,

insurance companies, attorneys, police, hospitals, other individuals.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**DOL/SOL-6****SYSTEM NAME:**

Military Personnel and Civilian Employees Claim Act.

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

U.S. Department of Labor, 200 Constitution Avenue, NW., room N-4631, Washington, DC 20210.

See attachment—for additional locations.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Claimants.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Tort claims file, including negligence, medical, personnel and legal reports, summaries, correspondence and memoranda.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

31 U.S.C. 240-243.

**PURPOSE(S):**

To allow adjudication of claims filed under the Military Personnel and Civilian Employees Claims Act.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

None other than those contained in the Department's Prefatory Statement published in the *Federal Register* of September 8, 1975 (40 FR 41739).

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Manual files.

**RETRIEVABILITY:**

Name of claimant.

**SAFEGUARDS:**

Files are kept in office suite that is locked after working hours.

**RETENTION AND DISPOSAL:**

Records retention is being established by NARA.

**SYSTEM MANAGER(S) AND ADDRESS:**

Associate Solicitor, Division of Employee Benefits, U.S. Department of Labor, 200 Constitution Avenue, NW., room N-4631, Washington, DC 20210.

**NOTIFICATION PROCEDURE:**

See system manager(s) and addresses.

**RECORD ACCESS PROCEDURES:**

Inquirer should provide his full name, plus date and place of incident.

**CONTESTING RECORD PROCEDURES:**

See record access procedures.

**RECORD SOURCE CATEGORIES:**

Claimants, current and former employers, witnesses, physicians, insurance companies, attorneys, police, hospitals, other individuals.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**DOL/SOL-7****SYSTEM NAME:**

Solicitor's Legal Activity Recordkeeping System.

**SECURITY CLASSIFICATION:**

Classified.

**SYSTEM LOCATION:**

Terminals in all SOL Divisional Offices, Washington, DC; SOL Regional and Sub-Regional Offices. DOL computer located at Boeing Computer Services facility in McLean, VA.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Attorneys employed by the Office of the Solicitor; the names of judges assigned to the cases and the names of the individuals and/or parties involved in the cases.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Individual attorney assignments; identification of cases pending, status of litigated cases, opinions requested, case agency record, and miscellaneous assignments.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 552a(a)(4).

**PURPOSE:**

To track attorney assignments and the status of case files.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

None.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Manual and computer files.

**RETRIEVABILITY:**

Currently, by name of attorney; potentially retrievable by name of the judge assigned to the case, and by the name of the individual and/or party involved in the case.

**SAFEGUARDS:**

Manual files are kept locked. Computer files accessible only through proper code number.

**RETENTION AND DISPOSAL:**

Records are maintained for life of assignment and are then disposed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Associate Solicitors, Office of the Solicitor, Washington, DC; Regional Solicitors and Associate Regional Solicitors at various field locations.

**NOTIFICATION PROCEDURE:**

Same as system manager(s) and address.

**RECORD ACCESS PROCEDURE:**

Same as system manager(s) and address.

**CONTESTING RECORD PROCEDURES:**

Same as system manager(s) and address.

**RECORD SOURCE CATEGORIES:**

Case files, correspondence files, opinion files, and miscellaneous files.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**DOL/SOL 8****SYSTEM NAME:**

Special Litigation Division.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

U.S. Department of Labor, Office of the Solicitor, Washington, DC. Only current litigation files are maintained in DOL/SOL, DC—closed files are in contract warehouse storage located in Records Management, Inc., Alexandria, Virginia.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

The Special Litigation Division maintains records as defined in 5 U.S.C. 552a(a)(4) (the "records"). The records relate specifically to defendants, respondents, witnesses and other individuals who may have provided information relating to, or who may have been involved in, matters that are part of the Central States litigation. These records relate generally to litigation under the Employee Retirement Income Security Act of 1974 (the "Act") that involves the Secretary of Labor and the Central States Southeast and Southwest Areas Health and Welfare and Pension Funds (the "Central States litigation").

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The system contains records gathered by the Special Litigation Division in connection with the Central States litigation. The records may be derived from materials filed with the Department of Labor, court records, articles from publications, published financial data, information received from materials filed with the Department of Labor, court records, articles from publications, published financial data, information received from employee benefit plans, business organizations and individuals, statements of witnesses, information received from federal, state, local and foreign regulatory and law enforcement organizations and from other sources. The system also contains records that incorporate the work product of the Special Litigation Division and other privileged documents.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

29 U.S.C. 1132, 1134.

**PURPOSE(S):**

To maintain investigatory and related litigation files pertaining to the Teamsters' Central States, Southeast and Southwest Areas Health and Welfare and Pension Funds, as well as other matters within the mission and functions of the special Litigation Division.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

(1) The records may be used by the Department of Labor, Department of Justice, Treasury Department, Commerce Department and other Federal Government personnel and consultants investigating possible violations of the Employee Retirement Income Security Act of 1974.

(2) The records may be used in any proceeding where the Employee Retirement Income Security Act of 1974 is in issue or in which the Secretary of Labor, any past or present Federal Employee or consultant directly or indirectly involved in investigations or other enforcement activities under the Employee Retirement Income Security Act of 1974, is a party or is otherwise involved in an official capacity.

(3) The records may be made available pursuant to 29 U.S.C. 1134(a) to any person actually affected by the matters therein contained.

(4) The records may be referred when there is an indication of a violation or potential violation of law to the appropriate agency, whether federal, state, local or foreign, to be used by the agency to investigate possible violations of laws administered by it and to bring appropriate proceedings.

(5) The records may be referred, when appropriate, to a bar association, court, or federal, state, local or foreign licensing authority for possible disciplinary action.

(6) The records may be disclosed to a federal, state, local or foreign governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the lettering of a contract, or the issuance of a license, grant or benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

(7) The records may be given or shown to anyone during the course of the litigation conducted by the Special Litigation Division if the Special Litigation Division has reason to believe that the person to whom such disclosure is made may have further information about the matter discussed therein and that those matters may be relevant to such litigation.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:****POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSAL OF RECORDS IN THE SYSTEM:****STORAGE:**

The records are maintained in hard copy, microfilm/microfiche or machine readable (computer/tape) form.

**RETRIEVABILITY:**

The records are indexed by name.

**SAFEGUARDS:**

Access to and use of the records are limited to those persons whose official duties require it.

**RETENTION AND DISPOSAL:**

The records retention is being determined by NARA.

**SYSTEM MANAGER(S) AND ADDRESS:**

Associate Solicitor, Special Litigation Division, U.S. Department of Labor, P.O. Box 37296, Washington, DC 20013.

**NOTIFICATION PROCEDURE:**

Mail all inquiries or present in writing to system manager at above address.

**RECORD ACCESS PROCEDURES:**

As in notification procedure.

**CONTESTING RECORD PROCEDURES:**

As in notification procedure.

**RECORD SOURCE CATEGORIES:**

Investigators; other law enforcement personnel; attorneys; witnesses, informants; other individuals; federal, state and local agencies; investigative files, case files; correspondence files; opinion files; miscellaneous files.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Under the specific exemption authority provided by 5 U.S.C. 552a(k)(2), this system is exempt from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I) and (f) and the portions of 29 CFR part 70a which implement these provisions.

**DOL/SOL-9****SYSTEM NAME:**

Freedom of Information Act and Privacy Act Appeals Files.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Office of the Solicitor, Division of Legislation and Legal Counsel, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

This system encompasses all individuals who submit administrative appeals under the Freedom of Information and Privacy Acts.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Each file generally contains the appeal letter, the initial request, and the initial agency determination. When a determination is made on the appeal, the determination letter is added to the file.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

The Freedom of Information Act (5 U.S.C. 552); the Privacy Act of 1974 (5 U.S.C. 552a); and 5 U.S.C. 301.

**PURPOSES:**

These records are maintained to process an individual's administrative appeals made under the provisions of the Freedom of Information and Privacy Acts. The records are also used to prepare the Department's annual reports to OMB and Congress required by the Privacy and the Freedom of Information Acts.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records, and information in these records, may be used:

a. To disclose information to the Office of Management and Budget at any stage in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A-19.

b. To disclose information to Federal agencies (e.g., Department of Justice) in order to obtain advice and recommendations concerning matters on which the agency has specialized experience or competence, for use by the Office of the Solicitor in making required appeal determinations and related dispositions under the Freedom of Information Act or the Privacy Act of 1974.

c. To disclose information to any source from which additional information is requested (to the extent necessary to identify the individual, inform the source of the purpose of the appeal, and to identify the type of information involved in an appeal), where necessary to obtain information relative to a decision concerning a Freedom of Information or Privacy Act appeal.

d. To disclose information to another Federal agency, to a court, or a party in litigation before a court or in an administrative proceeding being conducted by a Federal agency, either when the Government is a party to a judicial proceeding or in order to comply with the issuance of a subpoena.

e. To disclose, in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

f. To disclose information to officials of the Merit Systems Protection Board, including the Office of Special Counsel, when requested in connection with appeals, special studies of the civil service and other merit systems, review

of Office rules and regulations, investigations of alleged or possible prohibited personnel practices, and such other functions, e.g., as prescribed in 5 U.S.C. 1205 and 1206, or as may be authorized by law.

g. To disclose information to the Equal Employment Opportunity Commission when requested in connection with investigations of alleged or possible discrimination complaints in the Federal sector, examination of Federal Affirmative employment programs, compliance by Federal agencies with the Uniform Guidelines on Employee Selection Procedures, or other functions vested in the Commission by the President's Reorganization Plan No. 1 of 1978.

h. To disclose information to the Federal Labor Relations Authority or its General Counsel when requested in connection with investigations or allegations of unfair labor practices or matters before the Federal Service Impasses Panel.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

These records are maintained in manual form in file folders and are stored using the name of the individual filing the appeal. Information about the status of Freedom of Information and Privacy Act appeals is also maintained on magnetic media for use in a micro-computer.

**RETRIEVABILITY:**

Manual records are retrieved by the name of the individual making the appeal.

**SAFEGUARDS:**

These records are located in metal filing cabinets in a lockable room with access limited to personnel whose duties require access.

**RETENTION AND DISPOSAL:**

These records are destroyed six years after disposition date unless litigation is pending involving the appeal.

**SYSTEM MANAGER(S) AND ADDRESS:**

Solicitor of Labor, U.S. Department of Labor, Washington DC 20210.

**NOTIFICATION PROCEDURE:**

Individuals wishing to inquire whether this system or records contains information about them should contact

the system manager at the address listed above.

#### RECORD ACCESS PROCEDURES:

A request for access shall be addressed to the system manager at the address listed above. Individuals must furnish the following information for their records to be located and identified:

- Name.
- Approximate date of the Freedom of Information or Privacy Act Appeal and the approximate date of the determination by the Department (if issued).
- Individuals requesting access must also comply with the Privacy Act regulations regarding verification of identity and access to records at 29 CFR 70a.4.

#### CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager and must meet the requirements of § 70a.7.

#### RECORD SOURCE CATEGORIES:

Information in this system of records comes from:

- The individual who is the subject of the records.
- Official personnel documents of the agency, including records from any other agency system or records included in this notice.
- Agency officials who respond to Freedom of Information and Privacy Act requests.
- Other sources who the agency believes have information pertinent to an agency decision on a Freedom of Information or Privacy Act appeal.

#### SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Department of Labor has claimed exemptions for several of its other systems of records under 5 U.S.C. 552a(k) (1), (2), (3), (5), and (6). During the course of processing a Freedom of Information or Privacy Act appeal, exempt materials from those other systems may become part of the case record in this system. To the extent that copies of exempt records from those other systems are entered into these Freedom of Information and Privacy appeals files, the Department has claimed the same exemptions for the records as they have in the original primary system or records of which they are a part.

#### DOL/SOL-10

#### SYSTEM NAME:

Privacy Act Litigation Files.

#### SECURITY CLASSIFICATION:

None.

#### SYSTEM LOCATION:

Office of the Solicitor, Division of Legislation and Legal Counsel, Department of Labor Building, 200 Constitution Avenue, NW., Washington, DC 20210.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have commenced actions against the Department of Labor under the Privacy Act.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Pleadings compiled in the course of litigation and relevant supporting documentation.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552a; 29 CFR part 70a.

#### PURPOSE(S):

These records are maintained to defend the Department of Labor against lawsuits.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure to the Department of Justice and attorneys of other federal agencies as required in the defense of such actions.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

Litigation files maintained in manual files.

##### RETRIEVABILITY:

Requester's (plaintiff's) name.

##### SAFEGUARDS:

Files are kept in office suite that is locked after working hours.

##### RETENTION AND DISPOSAL:

Files are maintained as long as case is open. Upon conclusion of action, files are retired in accordance with agency schedule.

##### SYSTEM MANAGER(S) AND ADDRESS:

Associate Solicitor, Division of Legislation and Legal Counsel, U.S. Department of Labor, 200 Constitution Avenue, NW., room N-2428, Washington, DC 20210.

##### NOTIFICATION PROCEDURE:

As in systems manager and address.

##### RECORD ACCESS PROCEDURE:

As in systems manager and address.

##### CONTESTING RECORD PROCEDURE:

As in systems manager and address.

#### RECORD SOURCE CATEGORIES:

Pleadings generated in course of litigation.

#### SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

#### DOL/SOL-11

#### SYSTEM NAME:

Division of Civil Rights Defensive Litigation Files.

#### SECURITY CLASSIFICATION:

None.

#### SYSTEM LOCATION:

United States Department of Labor, room N-2464, 200 Constitution Avenue NW., Washington, DC 20210.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals filing Federal court actions involving civil rights enforcement activities of the Office of Federal Contract Compliance Programs (OFCCP), Employment Standards Administration or the Directorate of Civil Rights (DCR), Office of the Assistant Secretary for Administration and Management, and other department agencies.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence, reports, legal analyses, and employment and related information provided by plaintiffs, gathered in the course of investigations conducted by OFCCP or DCR, and/or derived from materials filed with the Department of Labor or other Federal agencies, or in connection with administrative and court proceedings.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11246, as amended; the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (38 U.S.C. 2012), as amended; 29 U.S.C. 793, as amended; 42 U.S.C. 2000d *et seq.*, as amended; 29 U.S.C. 794, as amended; 29 U.S.C. 801; 42 U.S.C. 6102, as amended; 29 U.S.C. 1577; 20 U.S.C. 1681; and Secretary's Order Nos. 2-81 and 1-89.

#### PURPOSE(S):

To defend the Department in legal actions involving the civil rights enforcement activities of OFCCP, DCR or other department agencies.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Records may be made available to Federal, State or local agencies maintaining pertinent records, as

necessary to obtain information relevant to legal actions involving the Department of Labor, and to experts and Department of Justice and Assistant U.S. Attorneys during the course of litigation.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

Not applicable.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Primarily in manual files, some information may be maintained on magnetic media for use in a micro-computer.

**RETRIEVABILITY:**

Full name of plaintiff.

**SAFEGUARDS:**

Files located in restricted area of Federal building under guard by security officers; access limited to persons with official business within the agency.

**RETENTION AND DISPOSAL:**

Files maintained as long as case is open. Archived and destroyed in accordance with agency schedule.

**SYSTEM MANAGER(S) AND ADDRESS:**

Associate Solicitor, Division of Civil Rights/Office of the Solicitor, room N-2464, 200 Constitution Avenue NW., Washington, DC 20210.

**NOTIFICATION PROCEDURE:**

Contact system manager.

**RECORD ACCESS PROCEDURES:**

Contact system manager; requests must comply with the regulations contained at 29 CFR part 70a.

**CONTESTING RECORD PROCEDURES:**

Contact system manager; petitions for amendment must meet the requirements of 29 CFR part 70a.

**RECORD SOURCE CATEGORIES:**

Plaintiffs, witnesses, employers, contractors, recipients of Federal financial assistance from the Department of Labor, and Federal, State, and local agency files, and departmental agency files.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Under the specific exemption authority provided by 5 U.S.C. 552a(k)(2), this system is exempt from the following provisions of the Privacy Act: 5 U.S.C. 552(a), (c)(3), (d), (e)(4) (G), (H), and (I), and (f). In addition, as this system may contain files or copies of files from other systems of records compiled in the course of the

administrative and enforcement activities of other department agencies for which the Department, in accordance with section (k)(2) of the Privacy Act, has claimed exemptions from any of the above mentioned provisions of the Act, the Department claims the same exemptions for the records as they have in the primary system of records of which they are a part.

**DOL/SOL-12**

**SYSTEM NAME:**

Third-party recovery files.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Office of the Solicitor, National Office.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals entitled to back wages and other forms of compensation recovered on their behalf by the Labor Department.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records include identities of claimants and amount owed to each of them.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Executive Order 11246.

**PURPOSES:**

These records are maintained where compensation is recovered by the Department of Labor.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

None.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

*Disclosures pursuant to 5 U.S.C. 552a(b)(12):* Disclosures may be made to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Files are maintained in storage cabinets and on discs.

**RETRIEVABILITY:**

Records are maintained under statute and are retrievable pursuant to which recovery effected and names (alphabetically) of claimant.

**SAFEGUARDS:**

Records are maintained in manned rooms during working hours. During non-working hours, the file room is locked and the building is protected by the Federal Protective Service. Access to the records is authorized only to DOL personnel on a "need to know" basis.

**RETENTION AND DISPOSAL:**

Upon completion of a case, third-party recovery files are maintained in the Office of the Solicitor for two years, retired to the appropriate Federal Records Center for five years and then destroyed.

**SYSTEM MANAGER(S) AND ADDRESSES:**

Deputy Solicitor for National Operations at headquarters.

**NOTIFICATION PROCEDURE:**

An individual who wishes to determine whether a record is being maintained by the Office of the Solicitor under his or her name or other personal identifier or wants to determine the contents of such records should submit a written request to the Deputy Solicitor for National Operations.

**RECORD ACCESS PROCEDURES:**

An individual who seeks access to or wishes to contest records maintained under his or her name or other personal identifier may write, call or visit the Deputy Solicitor for National Operations in Washington, DC.

**CONTESTING RECORD PROCEDURES:**

See Record Access Procedures above.

**RECORD SOURCE CATEGORIES:**

Agency litigation files.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

When litigation occurs, information from other systems of records may be incorporated into the case file. In certain instances, the incorporated information may be material which the Privacy Act, at 5 U.S.C. 552a(k) (1), (2), (3), (5), and (6), permits an agency to exempt from certain provisions of the Act. To the extent that such exempt material is incorporated into litigation files, the appropriate exemption ((k) (1), (2), (3), (5), and (6)) has also been claimed for the material as it appears in this system. The Office of the Solicitor, pursuant to 5 U.S.C. 552a(d)(5), reserves the right to refuse access to information compiled in reasonable anticipation of a civil action or proceeding.

**DOL/SOL-13****SYSTEM NAME:**

SOL Employee Conduct Investigations.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Offices in the Office of the Solicitor at the National Office and in each of the Regional Offices.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

SOL employee(s) against whom any allegations relating to the individual involved.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

It contains investigative report(s) associated with the case, including interviews and other confidential data gathered.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301.

**PURPOSE(S):**

The records are maintained to ensure that all appropriate records of problems, misconduct, illegal acts, conflicts of interest, etc., are retained and are available to agency, departmental, and/or other Federal officials having a need of the information in the performance of their official duties and to support actions taken based on the records.

**ROUTINE USE RECORDS MAINTAINED IN THE SYSTEMS, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

(1) Disclosure to other Federal agencies and to any other Federal, State, and local government responsible for investigating or prosecuting the violation, or for enforcing or implementing the statute, rule, regulation, order or license, (2) to a Federal agency which has requested information relevant to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant, or issuance of a security clearance, license, contract, grant, or other benefit.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

The records are stored in file folders in metal cabinets.

**RETRIEVABILITY:**

Filed by name or other identifying code such as a case file number.

**SAFEGUARDS:**

The files are maintained in locked file cabinets with access only to those with a need to know the information to perform their duties.

**RETENTION AND DISPOSAL:**

Completed investigations are disposed of after 20 years. Matters not subject to full investigations are disposed of after 10 years.

**SYSTEM MANAGER(S) AND ADDRESS:**

Office of Management, Office of the Solicitor, 200 Constitution Avenue NW., Washington, DC 20210, and appropriate Regional Offices.

**NOTIFICATION PROCEDURE:**

Inquiries should be mailed or presented to the system manager noted at the address listed above.

**RECORD ACCESS PROCEDURES:**

A request for access shall be addressed to the system manager at the address listed above. Individuals must furnish the following information for their records to be located and identified:

- Name.
- Approximate date of the investigation.
- Individuals requesting access must also comply with the Privacy Act regulations regarding verification of identity to records at 29 CFR 70a.4.

**CONTESTING RECORD PROCEDURES:**

A petition for amendment shall be addressed to the System Manager and must meet the requirements of 29 CFR 70a.7.

**RECORD SOURCE CATEGORIES:**

Hotline complaints through the Office of the Inspector General's hotline; hotline complaints through the General Accounting Office's hotline system; incident reports submitted by employees; statements by subject and fellow employees and any other individuals.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Under the specific exemption authority provided by 5 U.S.C. 552a(k)(2), this system is exempt from the following provisions of the Privacy Act: 5 U.S.C. 552a(c), 3, (d), (e)(1), (4) (G), (H), (I), and (f) of the Act. Disclosure of information could enable the subject of the record to take action to escape prosecution and could avail the subject greater access to information

than that already provided under rules of discovery. In addition, disclosure of information might lead to intimidation of witnesses, informants, or their families, and impair future investigations by making it more difficult to collect similar information.

**DOL/SOL-14****SYSTEM NAME:**

Subpoena Tracking System.

**SECURITY CLASSIFICATION:**

None.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

DOL employee(s), former employees, contractors and consultants who have been subpoenaed or whose testimony has been requested in actions in which DOL is not a party.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301 and 29 CFR 2.20-2.25.

**PURPOSE(S):**

These records are maintained in order to keep track of when DOL employees, former employees, contractors and consultants have been subpoenaed or whose testimony has been requested.

**ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEMS, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosure to attorneys who issued the subpoena, U.S. attorneys and attorneys of other federal agencies as appropriate in order to properly respond to such subpoenas.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

These records are maintained in manual form in metal file cabinets using the name of the individual who has been subpoenaed. Information about the status of the subpoena is also maintained on magnetic media for use in a micro-computer.

**RETRIEVABILITY:**

Records are retrieved by the name of the individual making the appeal.

**SAFEGUARDS:**

These records are located in metal filing cabinets in a lockable computer room with access limited to personnel whose duties require access.

**RETENTION AND DISPOSAL:**

These records are maintained as long as a case is open. Upon conclusion of the matter, files are retired in accordance with agency schedule.

**SYSTEM MANAGER(S) AND ADDRESS:**

Associate Solicitor, Division of Legislation and Legal Counsel, U.S. Department of Labor, 200 Constitution Avenue, NW., room N-2428, Washington, DC 20210.

**NOTIFICATION PROCEDURE:**

Individuals wishing to inquire whether this system of records contains information about them should contact the system manager at the address listed above.

**RECORD ACCESS PROCEDURES:**

A request for access shall be addressed to the system manager at the address listed above. Individuals must furnish the following information for their records to be located and identified:

- a. Name.
- b. Approximate date of subpoena or request for testimony.

**CONTESTING RECORD PROCEDURES:**

A request to amend a record shall be addressed to the system manager.

**RECORD SOURCE CATEGORIES:**

Information in this system of records comes from:

- a. The individual who is requesting the testimony or who has issued the subpoena.
- b. The individual who has been subpoenaed or whose testimony has been requested.
- c. DOL attorneys, Assistant U.S. Attorneys, judges, clerks of courts involved in handling responses to subpoenas.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**DOL/VETS-1****SYSTEM NAME:**

Veterans' Reemployment Rights Complaint File—VETS-1.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Veterans' Reemployment Rights (VRR) Area Offices, Veterans' Employment and Training Service (VETS) Regional Offices, VETS National Office, Regional Solicitor's Offices, National Solicitor's Office.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Veterans, enlistees, examinees, reservists or members of the National Guard of the U.S. Armed Forces on active or reserve service or training duty.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Investigatory files compiled for compliance/enforcement of individual cases.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

38 U.S.C., 2021 et seq.

**PURPOSE:**

Records are maintained for enforcement of federal laws pertaining to rights of veterans, reservists and members of the national guard to return to pre-military civilian employment following periods of active and inactive military duty.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Data processing storage and manual records.

**RETRIEVABILITY:**

By name of the complainant or name of employer.

**SAFEGUARDS:**

Secured room, or locked cabinets, and security access requirement for ADP system.

**RETENTION AND DISPOSAL:**

Records will be maintained by the VETS for 5 years in accordance with NARA retention retirement and disposal schedule.

**SYSTEM MANAGER(S) AND ADDRESS:**

United States Department of Labor, Veterans' Employment and Training Service, room S1315, 200 Constitution Avenue, NW., Washington, DC 20210, and Regional Offices.

**NOTIFICATION PROCEDURES:**

See System Managers and Address.

**RECORD ACCESS PROCEDURES:**

See System Managers and Address.

**CONTESTING RECORD PROCEDURES:**

See System Managers and Address.

**RECORD SOURCE CATEGORIES:**

Veterans, employees, employers, Department of Defense, Veterans

Administration, physicians, fellow employees, union officers.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Under the specific exemption authority provided by paragraph 3(k)(1) of 5 U.S.C. 552a certain investigatory material compiled for law enforcement purposes which is maintained in the Veterans' Reemployment Rights Complaint File may be exempted from disclosure under the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3); (d); (e)(1); (e)(4)(F); (e)(4)(G); (e)(4)(H); and (e)(4)(I) and (f); and the portion of 29 CFR part 70a which implements these provisions, if the disclosure of this information could result in the threatening of investigators and/or witnesses, or occasion them and/or their families with adverse consequences or could inhibit the effective investigation of complaints under the Veterans' Reemployment Rights Act and predecessor statutes. In order to conduct effective investigations it is at times necessary to guarantee the confidentiality of information being collected. Release of such information would constitute a break of the guarantee of confidentiality, could lead to the intimidation of witnesses, harassment or dismissal from employment of those involved, and could discourage those contacted from cooperating with investigators in future investigations.

**Appendix I—Responsible Officials**

The titles of the responsible officials of the various independent agencies in the Department of Labor are listed below. This list is provided for information only, to assist requesters in locating the office most likely to have responsive records. The officials may be changed by appropriate designation. Unless otherwise specified, the mailing addresses of the officials shall be:

U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210.

Secretary of Labor, ATTENTION: Assistant Secretary for Administration and Management (OASAM)

Deputy Solicitor, Office of the Solicitor Assistant Secretary for Administration and Management (OASAM)

Deputy Assistant Secretary for Administration and Management (OASAM)

Director, Office of Personnel Management Services, National Capital Service Center (OASAM)

Director, Office of Procurement Services, National Capital Service Center (OASAM)

Director, Office of Small and Disadvantaged Business Utilization (OASAM)

Deputy Director, National Capital Service Center (OASAM)

Director, Women's Bureau

Chairperson, Employees' Compensation Appeals Board

Deputy Assistant Secretary for Policy  
Director, Office of Information and Public  
Affairs  
Director, Office of Administrative Appeals  
Assistant Inspector General, Office of  
Resource Management and Legislative  
Assessment  
Associate Deputy Under Secretary for  
International Affairs  
Deputy Under Secretary for Labor-  
Management Relations and Cooperative  
Programs  
Commissioner, Bureau of Labor Statistics  
Assistant Secretary for Employment  
Standards, Employment Standards  
Administration (ESA)  
Director, Office of Workers' Compensation  
Programs, ESA  
Director for Federal Employees'  
Compensation, OWCP, ESA  
Director for Longshore and Harbor Workers'  
Compensation, OWCP, ESA  
Director for Coal Mine Workers'  
Compensation, OWCP, ESA  
Administrator, Wage and Hour Division, ESA  
Deputy Administrator, Wage and Hour  
Division, ESA  
Director, Office of Federal Contract  
Compliance Programs, ESA  
Chief, Division of Policy, Planning and  
Review, Office of Federal Contract  
Compliance Programs, ESA  
Chief, Division of Program Operations, Office  
of Federal Contract Compliance Programs,  
ESA  
Director, Office of Management,  
Administration and Planning, ESA  
Director, Division of Program Development  
and Research, ESA  
Director, Division of Personnel and  
Organization Management, ESA  
Director, Division of Internal Management  
Control, ESA  
Equal Employment Opportunity Coordinator,  
ESA  
Director, Office of Information and Consumer  
Affairs, ESA  
Director, Office of State Liaison and  
Legislative Analysis, ESA  
Director, Office of Equal Employment  
Opportunity, Occupational Safety and  
Health Administration (OSHA)  
Director, Office of Management  
Accountability and Performance, OSHA  
Director, Office of Information and Consumer  
Affairs, OSHA  
Director, Directorate of Federal-State  
Operations, OSHA  
Director, Office of Training and Education,  
OSHA  
Director, Directorate of Policy, OSHA  
Director, Directorate of Administrative  
Programs, OSHA  
Director, Office of Personnel Management,  
OSHA  
Director, Office of Administrative Services,  
OSHA  
Director, Office of Management Data  
Systems, OSHA  
Director, Office of Management Systems and  
Organization, OSHA  
Director, Office of Program Budgeting,  
Planning and Financial Management,  
OSHA  
Director, Directorate of Field Operations,  
OSHA

Director, Directorate of Technical Support,  
OSHA  
Director, Directorate of Safety Standards  
Programs, OSHA  
Director, Directorate of Health Standards  
Programs, OSHA  
Deputy Assistant Secretary for Labor  
Management Standards  
Associate Director for Program Services,  
Pension and Welfare Benefits  
Administration  
Administrative Officer, Veterans'  
Employment and Training Service  
Deputy Assistant Secretary for Veterans'  
Employment and Training  
Director, Office of Small and Disadvantaged  
Business Utilization  
Assistant Secretary for Employment and  
Training, ETA  
Administrator, Office of Financial and  
Administrative Management, ETA  
Administrator, Office of Job Training  
Programs, ETA  
Administrator, Office of Strategic Planning  
and Policy Development, ETA  
Administrator, Office of Regional  
Management, ETA  
Administrator, Office of Employment  
Security, ETA  
Chief, Division of Foreign Labor Certification,  
ETA  
Director, Office of the Comptroller, ETA  
Director, Office of Grants and Contract  
Management, ETA  
Chief, Division of Acquisition and  
Assistance, ETA  
Chief, Division of Debt Management, ETA  
Staff Assistant, Division of Audit Closeout  
and Appeals Resolution, ETA  
Director, Office of Information Resources  
Management, ETA  
Director, Office of Management Support, ETA  
Chief, Division of Special Review and  
Internal Control, ETA  
Chief, Division of Personnel, ETA  
Chief, Division of Administrative Services,  
ETA  
Chief, Division of Program and Fiscal Review,  
ETA  
Director, Office of Employment and Training  
Programs, ETA  
Director, Office of Special Targeted  
Programs, ETA  
Director, Office of Job Corps, ETA  
Director, Bureau of Apprenticeship and  
Training, ETA  
Director, United States Employment Service,  
ETA  
Director, Unemployment Insurance Service,  
ETA  
Director, Office of Trade Adjustment  
Assistance  
The mailing address for responsible  
officials of the Office of Trade Adjustment  
Assistance, Employment and Training  
Administration is:  
U.S. Department of Labor/ETA, Office of  
Trade Adjustment Assistance, Patrick  
Henry Building, 601 D Street, NW., Room  
6434, Washington, DC 20213.  
The mailing address for the Director of the  
Regional Bureau of Apprentice and Training  
in Region VIII is:  
Room 476, U.S. Custom House, 721—19th  
Street, Denver, CO 80202.

The mailing address for responsible  
officials in the Mine Safety and Health  
Administration is:  
4015 Wilson Boulevard, Arlington, Virginia  
22203.  
Deputy Assistant Secretary  
Chief, Office of Congressional and Legislative  
Affairs  
Director, Office of Information and Public  
Affairs  
Administrator for Coal Mine Safety and  
Health  
Chief, Office of Technical Compliance and  
Investigation  
Administrator for Metal and Nonmetal Mine  
Safety and Health  
Director, Office of Assessments  
Director, Office of Standards, Regulations  
and Variances  
Director of Program Planning and Evaluation  
Director of Administration and Management  
Director of Educational Policy and  
Development

The mailing address for the Office of  
Administrative Law Judges and the Benefits  
Review Board is:

1111 20th Street, NW.  
Washington, DC 20036  
Chief, Office of Administrative Law Judges,  
Suite 701  
Chair, Benefits Review Board, Suite 757

(1) The titles of the responsible officials in  
the field offices of the various independent  
agencies are listed below: Unless otherwise  
specified, the mailing address for these  
officials by region, shall be:

Region I: J.F.K. Building, Government Center,  
Boston, Massachusetts 02203  
Region II: 201 Varick Street, Room 750, New  
York, New York 10014  
Region III: 3535 Market Street, Philadelphia,  
Pennsylvania 19104  
Region IV: 1371 Peachtree Street, NE.,  
Atlanta, Georgia 30367  
Region V: 230 South Dearborn Street,  
Chicago, Illinois 60604  
Region VI: 525 Griffin Square Building, Griffin  
and Young Streets, Dallas, Texas 75202  
Region VII: Federal Office Building, 911  
Walnut Street, Kansas City, Missouri 64106  
Region VIII: Federal Office Building, 1961  
Stout Street, Denver, Colorado 80294  
Region IX: 71 Stevenson Street, San  
Francisco, California 94119  
Region X: 909 First Avenue, Seattle,  
Washington, 98174

Regional Administrator for Administration  
and Management, OASAM  
Regional Personnel Officer, OASAM  
Regional Administrator for Information and  
Public Affairs  
Regional Administrator for Employment and  
Training Administration, ETA  
Regional Director, Job Corps, ETA  
Director, Regional Bureau of Apprenticeship  
and Training (ETA)  
Regional Administrator for Employment  
Standards Administration  
Assistant Regional Administrator for Wage  
and Hour, ESA  
Assistant Regional Administrator for Federal  
Contract Compliance Program, ESA  
Assistant Regional Administrator for  
Workers' Compensation Programs, ESA

Executive Assistant to the Regional Administrator, ESA  
State Liaison Adviser, ESA  
Office of Workers' Compensation Programs, Deputy Commissioner  
Room 1800, J.F.K. Building, Government Center, Boston, Massachusetts 02203  
201 Varick Street, Room 750, New York, New York 10014  
3535 Market Street, Philadelphia, Pennsylvania 19104  
Penn Traffic Building, 319 Washington Street, Johnstown, Pennsylvania 15901 (BLBA only)  
South Main Towers, 116 South Main Street, Wilkes-Barre, Pennsylvania 18701 (BLBA only)  
Wellington Square, 1225 South Main Street, Greensburg, Pennsylvania 15601 (BLBA only)  
31 Hopkins Plaza, Baltimore, Maryland 21201 (LHWCA only)  
200 Granby Mall, Norfolk, Virginia 23502 (LHWCA only)  
1026 Quarrier Street, First Floor, Charlestown, West Virginia 25301 (BLBA only)  
609 Market Street, Parkersburg, West Virginia 26101 (BLBA only)  
1100 L Street NW., Room 9101, Washington, DC 20210 (FECA only)  
200 Constitution Ave., NW., Room C-4315, Washington, DC 20210 (DCCA)  
334 Main Street, Fifth Floor, Pikeville, Kentucky 41501 (BLBA only)  
500 Springdale Plaza, Spring Street, Mt. Sterling, Kentucky 40353 (BLBA only)  
311 West Monroe, Jacksonville, Florida 32202 (LHWCA only)  
400 West Bay Street, Jacksonville, Florida 32202 (FECA only)  
230 South Dearborn Street, Chicago, Illinois 60604  
1240 East 9th Street, Cleveland, Ohio 44199 (FECA only)  
274 Marconi Boulevard, Third Floor, Columbus, Ohio 43215 (BLBA only)  
525 Griffin Street, Federal Building, Dallas, Texas 75202  
500 Camp Street, New Orleans, Louisiana 70130  
12600 North Featherwood Drive, Houston, Texas 77034 (LHWCA only)  
601 Rosenberg Avenue, Galveston, Texas 77553 (LHWCA only)  
911 Walnut Street, Kansas City, Missouri 64106 (FECA only)  
1961 Stout Street, Drawer 3558, Denver, Colorado 80294 (FECA only)  
P.O. Box 25346, Denver, Colorado 80225 (BLBA only)  
Federal Building, P.O. Box 3769, San Francisco, California 94119  
P.O. Box 3327, Terminal Island, California 90731 (LHWCA only)  
300 Ala Moana Boulevard, Honolulu, Hawaii 96850  
909 1st Avenue, Seattle, Washington 98174  
Chief, Division of Mining Information Systems  
MSHA  
P.O. Box 25367, DFC, Denver, CO 80225-0367  
Superintendent, National Mine Health and Safety Academy  
P.O. Box 1166, Beckley, WV 25802-1166

Chief, Approval and Certification Center  
MSHA  
R.R. 1, Box 251, Industrial Park Road, Tridelfia, WV 26059  
District Manager for Coal Mine Safety and Health  
Penn Place, Room 3128, 20 N. Pennsylvania Avenue, Wilkes-Barre, Pennsylvania 18701  
4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213  
5012 Mountaineer Mall, Morgantown, West Virginia 26505  
P.O. Box 112, Mt. Hope, West Virginia 25880  
P.O. Box 560, Norton, Virginia 24273  
218 High Street, Pikeville, Kentucky 41501  
P.O. Box 572, Barbourville, Kentucky 40906  
501 Busserson Street, Vincennes, Indiana 47591  
P.O. Box 25367 OFC, Denver, Colorado 80225  
P.O. Box 473, Madisonville, Kentucky 42431  
District Manager for Metal and Nonmetal Mine Safety and Health  
228 Federal Building, Duluth, Minnesota 55802  
P.O. Box 927, Vincennes, Indiana 47591  
4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213  
U.S. Post Office and Courthouse, P.O. Box 1894, Albany, New York 12201-1874  
P.O. Box 25367 OFC, Denver, Colorado 80225  
307 W. 200 South, Suite 3003, Salt Lake City, Utah 84101  
1100 Commerce Street, Room 4C50, Dallas, Texas 75242  
P.O. Box 1156, Rolla, Missouri 65401  
228 W. Valley Avenue, Room 102, Birmingham, Alabama 35209  
301 W. Cumberland Avenue, Room 223, Knoxville, Tennessee 37902  
620 Central Avenue, Building 7 AFC, Alameda, California 94501-3898  
3221 N. 16th Street, Suite 300, Phoenix, Arizona 85016  
117 107th Avenue, NE, Room 100, Bellevue, Washington 98004  
Regional Administrator, Occupational Safety and Health Administration  
Area Director, OSHA  
400-2 Totten Pond Road, 2nd Floor, Waltham, Massachusetts 02154  
1550 Main Street, Room 532, Springfield, Massachusetts 01103-1493  
Federal Building, Room 334, 55 Pleasant Street, Concord, New Hampshire 03301  
40 Western Avenue, Room 121, Augusta, Maine 04330  
380 Westminster Mall, Room 243, Providence, Rhode Island 02903  
450 Main Street, Room 508, Hartford, Connecticut 06103  
90 Church Street, Room 1405, New York, New York 10007  
100 South Clinton Street, Room 1267, Syracuse, New York 13260  
990 Westbury Road, Westbury, New York 11590  
5360 Genesee Street, Bowmansville, New York 14026  
136-21 Roosevelt Avenue, 3rd Floor, Flushing, New York 11354  
U.S. Courthouse & Federal Office Building, Room 555, Carlos Chardon Avenue, Hato Rey, Puerto Rico 00918  
Leo W. O'Brien Federal Building, Room 132, Clinton Avenue & North Pearl Street, Albany, New York 12207

2101 Ferry Avenue, Room 403, Camden, New Jersey 08104  
Teterboro Airport Professional Building, Room 206, 377 Route 17, Hasbrouck Heights, New Jersey 07604  
2 East Blackwell Street, Dover, New Jersey 07801  
Plaza 35, Suite 205, 1030 Saint Georges Avenue, Avenel, New Jersey 07001  
U.S. Custom House, Room 242, Second & Chestnut Street, Philadelphia, Pennsylvania 19106  
Federal Office Building, Room 3007, 844 King Street, Wilmington, Delaware 19801  
Federal Building, Room 2236, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 15522  
Rathrock Building, Room 408, 121 West 10th Street, Erie, Pennsylvania 16501  
Federal Building, Room 1110, Charles Center, 31 Hopkins Plaza, Baltimore, Maryland 21201  
Penn Place, Room 2005, 20 North Pennsylvania Avenue, Wilkes-Barre, Pennsylvania 18701  
850 N. 5th Street, Allentown, Pennsylvania 18102  
Progress Plaza, 49 North Progress Street, Harrisburg, Pennsylvania 17109  
200 Granby Mall, Federal Office Building, Room 340, Mall Drawer 486, Norfolk, Virginia 23510  
550 Eagan Street, Room 206, Charleston, West Virginia 25301  
Building 10, Suite 33, La Vista Perimeter Office Park, Tucker, Georgia 30084  
1600 Drayton Street, Savannah, Georgia 31401  
Todd Mall, 2047 Canyon Road, Birmingham, Alabama 35216  
951 Government Street, Suite 502, Mobile, Alabama 36604  
1835 Assembly Street, Room 1468, Columbia, South Carolina 29201  
1720 West End Ave., Suite 302, Nashville, Tennessee 37203  
Federal Building, Suite 1445, 100 West Capitol Street, Jackson, Mississippi 39269  
Federal Building, Room 108, 330 W. Broadway, Frankfort, Kentucky 40601  
Federal Building, Room 302, 299 East Broward Boulevard, Fort Lauderdale, Florida 33301  
700 Twigg Street, Room 624, Tampa, Florida 33602  
Art Museum Plaza, Suite 17, 2747 Art Museum Drive, Jacksonville, Florida 32207  
Century Station, Room 104, 300 Fayetteville Mall, Raleigh, North Carolina 27601  
1400 Torrence Avenue, 2nd Floor, Calumet City, Illinois 60409  
6000 West Touhy Avenue, Niles, Illinois 60648  
344 Smoke Tree Business Park, North Aurora, Illinois 60542  
United States Post Office & Courthouse, Room 422, 46 East Ohio Street, Indianapolis, Indiana 46204  
2618 North Ballard Road, Appleton, Wisconsin 54915  
Federal Building, U.S. Courthouse, 500 Barstow Street, Room B-9, Eau Claire, Wisconsin 54701  
Henry S. Reuss Building, 310 West Wisconsin Avenue, Suite 1180, Milwaukee, Wisconsin 53203  
2934 Fish Hatchery Road, Suite 220, Madison, Wisconsin 53713

Federal Office Building, Room 4028, 550 Main Street, Cincinnati, Ohio 45202  
 Federal Office Building, Room 899, 1240 East 9th Street, Cleveland, Ohio 44199  
 Federal Office Building, Room 634, 200 North High Street, Columbus, Ohio 43125  
 Federal Office Building, Room 734, 234 North Summit Street, Toledo, Ohio 43604  
 110 South 4th Street, Minneapolis, Minnesota 55401  
 2001 West Willow Knolls, Peoria, Illinois 61614  
 218A Main Street, Belleville, Illinois 62220  
 231 West Lafayette, Room 628, Detroit, Michigan 48226  
 Hoover Annex, Suite 20, 2156 Wooddale Boulevard, Baton Rouge, Louisiana 70806  
 1425 West Pioneer Drive, Irving, Texas 75061  
 Government Plaza, Room 300, 400 Main Street, Corpus Christi, Texas 78408  
 611 East 6th Street, Room 303, Austin, Texas 78701  
 Federal Building, Room 421, 1205 Texas Avenue, Lubbock, Texas 79401  
 2320 LaBranch Street, Room 1103, Houston, Texas 77004  
 Western Bank Building, Room 1810 505 Marquette Avenue, NW., Albuquerque, New Mexico 87102  
 210 Walnut Street, Room 815, Des Moines, Iowa 50309  
 Overland-Wolf Building, Room 100, 6910 Pacific Street, Omaha, Nebraska 68106  
 4300 Goodfellow Boulevard—Building 105E, St. Louis, Missouri 63120  
 Savers Building, Suite 828, 320 West Capitol Avenue, Little Rock, Arkansas 72201  
 720 West Main Place, Suite 725, Oklahoma City, Oklahoma 73102  
 218 North Waco, Suite B, Wichita, Kansas 67202  
 911 Walnut Street, Room 2202, Kansas City, Missouri 64106  
 19 North 25th Street, Billings, Montana 59101  
 P.O. Box 15200, 1781 South 300 West, Salt Lake City, Utah 84115  
 801 Ignacio Valley Road, Walnut Creek, California 94596  
 400 OceanGate, Suite 530, Long Beach, California 90802  
 Tremont Center, 1st Floor, 333 West Colfax, Denver, Colorado 80204  
 3221 North 16th Street, Suite 100, Phoenix, Arizona 85016  
 550 East Charleston Blvd., Las Vegas, Nevada 89104  
 1220 Southwest 3rd Street, Room 640, Portland, Oregon 97204  
 701 C Street, Box 29, Anchorage, Alaska 99513  
 121-107th Street, NE., Bellevue, Washington 98004  
 Federal Building, Room 324, 550 West Fort Street, Box 007, Boise, Idaho 83724  
 Federal Building, Room 348, P.O. Box 2439, Bismarck, North Dakota 58501  
 300 Ala Moana Boulevard, Suite 5122, P.O. Box 50072, Honolulu, Hawaii 96850

Office of Labor Management Standards, Area Administrator or District Director  
 OLMS Area Administrators  
 Room 300, 1371 Peachtree Street, NE, Atlanta, GA 30367  
 Room 801, J.W. McCormack Bldg. POCH, Boston, MA 02109  
 Room 774, 230 S. Dearborn Street, Chicago, IL 60604  
 Room 831, 1240 E. Ninth Street, Cleveland, OH 44199  
 Room 300, 525 Griffin Sq. Bldg., Griffin & Young Streets, Dallas, TX 75202  
 Room 1606, 911 Walnut Street, Kansas City, MO 64106  
 Room 878, 201 Varick Street, New York, NY 10014  
 Room 9452, 600 Arch Street, Philadelphia, PA 19106  
 Suite 725, 71 Stevenson Place, San Francisco, CA 94105  
 Room 558, 1730 K Street, NW, Washington, DC 20006  
 OLMS District Directors  
 Suite 29, First Fidelity Bank Bldg., Boardwalk & Tennessee Avenue, Atlantic City, NJ 08401  
 Room 1310, 111 W. Huron Street, Buffalo, NY 14202  
 Suite 950, 525 Vine Street, Cincinnati, OH 45202  
 Room 1523, 1961 Stout Street, Denver, CO 80294  
 Room 630, 231 W. Lafayette Street, Detroit, MI 48226  
 Room 350, Federal Office Bldg., Carlos Chardon Street, Hato Rey, PR 00918  
 Room 2108, 2320 La Branch, Houston, TX 77004  
 Room 706, 3660 Wilshire Boulevard, Los Angeles, CA 90010  
 Suite 503, 111 NW 183rd Street, Miami, FL 33169  
 Room 118, 517 East Wisconsin, Milwaukee, WI 53202-4504  
 Suite 100, 220 South Second Street, Minneapolis, MN 55401  
 Suite 238, 233 Cumberland Bend Drive, Nashville, TN 37228  
 Room 201, 134 Evergreen Place, East Orange, NJ 07018  
 Room 804, 234 Church Street, New Haven, CT 06510  
 Room 13009, 701 Loyola Avenue, New Orleans, LA 70113  
 Room 804, 1000 Liberty Avenue, Pittsburgh, PA 15222  
 Room 555, 210 Tucker Boulevard, St. Louis, MO 63101  
 Room 3095, 909 First Avenue, Seattle, WA 98174  
 Suite 401, 1211 N. Westshore Boulevard, Tampa, FL 33607  
 Pension and Welfare Benefits Administration  
 Area Director or District Supervisor:  
 Area Director  
 J.W. McCormick Post Office and Court House Building, Suite L-2, Boston, Massachusetts 02109

Area Director  
 26 Federal Plaza, Room 537, New York, New York 10278  
 Area Director  
 3535 Market Street, Room M300, Gateway Building, Philadelphia, Pennsylvania 19104  
 District Supervisor  
 Riddell Building, Room 55, 1730 K Street, NW., Washington, DC 20006  
 Area Director  
 1371 Peachtree Street, NE., Room 205, Atlanta, Georgia 30367  
 District Supervisor  
 Washington Square Building, Suite 504, 111 N.W. 183rd Street, Miami, Florida 33169  
 Area Director  
 Ft. Wright Executive Building, Suite 210, 1885 Dixie Highway, Ft. Wright, Kentucky 41011  
 District Supervisor  
 Federal Building & U.S. Courthouse, Room 619, 231 W. Lafayette Street, Detroit, Michigan 48226  
 Area Director  
 175 W. Jackson Boulevard, Suite 1207, Chicago, Illinois 60604  
 Area Director  
 Federal Office Building, Room 2200, 911 Walnut Street, Kansas City, Missouri 64106  
 District Supervisor  
 210 N. Tucker Boulevard, Room 570, St. Louis, Missouri 63101  
 Area Director  
 Federal Office Building, Room 707, 525 Griffin Street, Dallas, Texas 75202  
 Area Director  
 Suite 915, 71 Stevenson Street, P.O. Box 3455, San Francisco, California 94119-3455  
 District Director  
 Federal Office Building, Room 3135, 909 First Avenue, Seattle, Washington 98174  
 Area Director  
 3660 Wilshire Boulevard, Room 718, Los Angeles, California 90010  
 Regional Administrators, Veterans' Employment and Training Service  
 Region I:  
 506 JFK Federal Building, Government Center, Boston, Massachusetts 02203  
 Region II:  
 201 Varick Street, Room 750, New York, New York 10014  
 Region III:  
 U.S. Customs House, Room 240, Second and Chestnut Streets, Philadelphia, Pennsylvania 19106  
 Region IV:  
 1371 Peachtree Street, NE., Room 718, Atlanta, Georgia 30367  
 Region V:  
 230 South Dearborn, Room 1064, Chicago, Illinois 60604  
 Region VI:  
 525 S. Griffin Federal Building, Room 204, Griffin and Young Streets, Dallas, Texas 75202  
 Region VII:  
 Federal Building, Room 800, 911 Walnut Street, Kansas City, Missouri 64106  
 Region IX:  
 Federal Building, P.O. Box 3769, San Francisco, California 94119

**APPENDIX II.—FOR GENERAL ASSISTANCE, YOU MAY WISH TO CONTACT THE FOLLOWING AGENCY COORDINATORS FOR THE PRIVACY ACT**

Agency	Person	Address	Telephone
Office of the Secretary (O/SECY)	John Bergstrom	Rm. N-1301, F.P. Bldg.	523-6295
Office of the Ass't. Secretary for Admin. and Management (OASAM)	John Bergstrom	Rm. N-1301, F.P. Bldg.	523-6295
Office of the Admin. Law Judges (O/ALJ)	P.J. Jacoby	Rm. 704	653-5052
Benefit Review Board (BRB)	Lisa Lahman	Rm. 757, Vanguard Bldg.	653-5060
Bureau of Labor Management Relations and Cooperative Programs	Tony Massey	Rm. N-5402, F.P. Bldg.	523-6231
Bureau of Labor Statistics (BLS)	Debera Solis	Rm. 2100, GAO Bldg.	523-1971
Employee's Compensation Appeals Board (ECAB)	Mary Ellen McKenna	Rm. 300, Reporters Building	472-3066
Employment Standards Admin. (ESA)	Dorothy Chester	Rm. S-3013C, F.P. Bldg.	523-8447
Employment and Training Admin. (ETA)	Patsy Files	Rm. N-4671, F.P. Bldg.	535-0695
Office of the Inspector General (OIG)	Pam Davis	Rm. S-5506, F.P. Bldg.	523-6747
Deputy Under Secretary for International Affairs or Bureau of International Labor Affairs (ILAB)	Patricia Clark	Rm. S-5303, F.P. Bldg.	523-6136
Office of Labor-Management Standards (OLMS)	James Santelli	Rm. N-5613, F.P. Bldg.	523-7373
Mine Safety and Health Admin. (MSHA)	Richard Baker	Rm. 727, Ballston Towers #3, Arlington, VA.	235-1470
Occupational Safety and Health Admin. (OSHA)	James Foster	Rm. N-3647, F.P. Bldg.	523-8148
Pension and Welfare Benefits Admin. (PWBA)	June Patron	Rm. N-5670, F.P. Bldg.	523-6999
Office of the Solicitor (O/SOL)	Miriam Miller	Rm. N-2428, F.P. Bldg.	523-8188
Office of Veterans' Employment and Training (VETS)	John Tieso	Rm. S-1316, F.P. Bldg.	523-8611

**Building Addresses**

a. Frances Perkins Building, 200 Constitution Avenue, NW., Washington, DC 20210.

b. GAO Building, 441 G Street, NW., Washington, DC 20212.

c. Ballston Towers No. 3, 4015 Wilson Boulevard, Arlington, VA 22203.

d. Reporters' Building, 300 7th Street, SW., Washington, DC 20024.

e. Vanguard Building, 1111 20th Street, NW., Washington, DC 20036.

[FR Doc. 90-4009 Filed 2-27-90; 8:45 am]

BILLING CODE 4510-23-M

# Environmental Protection

Wednesday  
February 28, 1990

## Part III

## Environmental Protection Agency

### 40 CFR Part 86

### Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines; Certification Procedures; Final Rule

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 86**

[AMS-FRL-3617-4]

RIN 2060-AB54

**Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines; Certification Procedures****AGENCY:** Environmental Protection Agency.**ACTION:** Final rule.

**SUMMARY:** This rule revises the new motor vehicle and new motor vehicle engine certification procedure for 1992 and later model year light-duty vehicles (LDV's), light-duty trucks (LDT's), heavy-duty vehicles (HDV's) and heavy-duty engines (HDE's). The revisions primarily apply to manufacturers certifying under the small-volume manufacturers and small-volume engine family certification regulations. Some minor revisions are included which apply to all manufacturers. EPA published the proposed revisions to the motor vehicle and engine certification procedure in a notice of proposed rulemaking (53 FR 7676) on March 9, 1988. The proposed revisions were designed to improve the assurance that emission control systems (and fuel metering systems) on vehicles and engines certified under the Agency's small-volume certification procedures were satisfactorily durable. In addition, the Agency proposed minor revisions to assure that the current voluntary actions of most manufacturers with regard to the certification process are performed by all manufacturers requesting vehicle certification. EPA received comments on the proposed revision from six vehicle or engine manufacturers and one company representing a manufacturer. A summary and analysis of the comments has been placed in Public Docket Number A-85-30. These comments were considered in preparing this Final Rule.

**EFFECTIVE DATES:** March 30, 1990.

**ADDRESSES:** Copies of materials relevant to this rulemaking proceeding are contained in Public Docket A-85-30 at the U.S. Environmental Protection Agency, Central Docket Section, Room 4, South Conference Center (LE-131A), Waterside Mall, 401 M Street, SW., Washington, DC 20460, and are available for review weekdays between 8 a.m. and 3 p.m. As provided in 40 CFR part 2 a reasonable fee may be charged for copying services.

**FOR FURTHER INFORMATION CONTACT:** Charles Cole, Certification Policy and Support Branch, Certification Division, U.S. Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, MI 48105, (313) 668-4444.

**SUPPLEMENTARY INFORMATION:****I. Background**

Under the authority of the Clean Air Act, EPA has promulgated certification regulations which historically allowed manufacturers to certify a limited number of vehicles or engines (i.e., 2,000 units in any vehicle or engine category) using small-volume certification procedures. The small-volume certification procedures allowed certification to be based on deterioration factors (d.f.'s) provided by EPA (assigned d.f.'s) rather than actual durability test results. EPA promulgated revisions (46 FR 16259) to the small-volume certification procedures in March 1981, allowing small-volume manufacturers to certify up to 10,000 units annually using assigned d.f.'s. The revised small-volume manufacturer certification procedure reduced the administrative and testing burden associated with certification.

To reduce certification program costs to larger manufacturers, in October 1981, EPA promulgated revisions (46 FR 50464) to the certification regulations applicable to manufacturers with sales of 10,000 or more units per year. Included in these revisions was a provision which allowed larger manufacturers to certify small-volume engine families with a cumulative total of fewer than 10,000 units per manufacturer using assigned d.f.'s. These revised procedures reduce the administrative and cost burden of the certification regulations on larger manufacturers (i.e., manufacturers producing 10,000 or more units per year) for some small engine families.

EPA proposed additional revisions (53 FR 7676) to the small-volume manufacturer and small-volume engine family certification procedures on March 9, 1988. The proposed revisions mainly addressed the durability requirement for vehicles and engines certified according to the Agency's small-volume manufacturers certification procedures. Some additional changes were proposed which affect all manufacturers using the certification process. These additional changes clarify regulatory intent and put in regulatory form several procedures voluntarily being followed by the majority of certifying manufacturers. Putting these procedures into the regulations will assure they are also

carried out by any new manufacturer seeking certification.

Written comments on the proposed revisions were submitted by Chrysler Motors Corporation, Cummins Engine Company, Inc., Ford Motor Company, General Motors Corporation (GM), Volkswagen of America, Inc. (VWofA), Toyota Technical Center, and Olson Engineering Inc. (representing Officine Alfieri Maserati S.P.A.). Chrysler and Olson also presented testimony at the public hearing held to discuss the notice of proposed rulemaking. All significant comments on the notice are analyzed in a document entitled, "Summary and Analysis of Comments Pertaining to the Proposed Rulemaking Entitled 'Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines; Certification Procedures.'" The summary and analysis of comments is in the Public Docket.

**II. Issues Considered and Adopted****A. Model Year of Implementation**

In this final rule, EPA is promulgating revisions to the motor vehicle and motor vehicle engine emission certification procedures for LDV's, LDT's, HDV's and HDE's effective beginning with the 1992 model year. EPA had originally proposed that these revisions should become effective beginning with the 1990 model year. However, GM, Chrysler and Olson commented that implementation of proposed revisions would not be feasible for the 1990 model year. Chrysler also indicated that its ability to carry out these proposals for the 1991 model year is questionable. GM and Olson indicated that the proposals should not be implemented prior to the 1992 model year.

Presently, implementation of this final regulation is no longer practicable for the 1990 model year. Most firms are nearing completion of their 1990 certification programs. Except possibly for the durability testing provision, the provisions of this final rule could still be implemented for the 1991 model year. With regard to durability testing, it should be possible for many manufacturers to make special schedule arrangements to perform tests on the additional durability test vehicles required by these regulations and still complete certification on time to meet their production and marketing plans. As pointed out in the NPRM, a durability test vehicle requires approximately 4 months to complete. However, EPA agrees that implementation for the 1991 model year might unduly limit planning time, and may not provide sufficient contingency

time to deal with any problems which might arise during development or durability testing. To prevent any undue disruption or hardship for certifying manufacturers, and to allow sufficient time for the manufacturers to make their product plans for future model years, EPA is designating the 1992 model year as the effective year for these regulations.

#### *B. Durability Demonstration Requirements*

Under the existing certification regulations small-volume manufacturers and larger manufacturers certifying small-volume engine families may utilize EPA-derived assigned d.f.'s in place of completing the full durability evaluation (i.e., 50,000 miles for light-duty vehicles). As a result, the durability demonstration requirements imposed on manufacturers utilizing the small-volume certification procedures do not vary according to the previous durability history of the emission control components or systems (and fuel metering systems).

In today's final rule, EPA is adopting changes, proposed in the NPRM, that make durability demonstration requirements for small-volume manufacturers and larger manufacturers certifying small-volume engine families contingent on the previous history of the component or system. These changes apply to all manufacturers certifying under the small-volume program with annual sales of more than 300 units per year. Changes are adopted in three areas.

First, EPA is adopting the use of manufacturer-determined assigned d.f.'s in place of EPA-derived assigned d.f.'s for exhaust emission certification of gasoline-fueled and diesel LDV's that use proven emission control components or systems (and fuel metering systems).<sup>1</sup> The assigned d.f.'s will be determined by the manufacturer using its good engineering judgment. As proposed, the manufacturer-determined assigned d.f.'s can be no less than the d.f.'s the

manufacturer determined itself from running durability vehicles—either the averages of these durability vehicle d.f.'s or the 70th percentiles of the d.f.'s, whichever are lower. Manufacturers who do not have d.f. data on at least two certification durability-data vehicles may not certify with manufacturer-determined assigned d.f.'s lower than values specified by EPA.

Second, EPA is adopting rules that require full durability evaluation of unproven emission components or systems (and fuel metering systems).<sup>2</sup> To reduce the durability demonstration costs in any one year, the manufacturer needs to conduct durability testing on vehicles representing only 25 percent of those that will be equipped with previously unproven technology. Upon completion of the 25 percent durability requirement and certification of those vehicles, the remainder of those small-volume manufacturer's unproven emission control technology sales for that model year may be certified using manufacturer-determined assigned d.f.'s.

Finally, EPA is adopting rules that eliminate the use of assigned d.f.'s for LDV and LDT evaporative emissions, and LDT and HDE exhaust emissions. In these cases, EPA proposed eliminating assigned d.f.'s as redundant and unnecessary since the manufacturer can already determine the appropriate deterioration using good engineering judgment as specified in the current certification regulations (e.g., 40 CFR 86.090-24(c)).

EPA will continue to provide EPA-derived assigned d.f.'s for manufacturers whose sales do not exceed 300 units per year. However, as required under EPA's current assigned d.f. program, each manufacturer must still determine that the EPA-derived assigned d.f.'s appropriately represent the deterioration of its vehicles or request use of alternative d.f.'s that it has determined to be more appropriate.

GM recommended that, when sufficient durability data is available, the manufacturer-specific d.f.'s (both manufacturer average and 70th percentile d.f.'s) be generated using only the data from systems similar to the proposed design in lieu of using all existing manufacturer's certification durability data (40 CFR 86.090-26(a)(2) and (a)(4)). EPA agrees that allowing the manufacturer to limit the durability data to that from similar systems<sup>3</sup> for

calculating the manufacturer-specific average and 70th percentile d.f.'s would provide d.f.'s that are more representative of the manufacturer's specific designs than those obtained using all the manufacturer's durability data. This is especially true of larger manufacturers, (e.g., GM, Ford, Chrysler, Toyota, Honda, etc.), who have completed a large number of durability-data vehicles equipped with various emission control designs and, therefore, have a larger bank of durability data. To take advantage of this option, the manufacturer must have generated data from at least two engine families within a similar system subcategory to be able to generate manufacturer-specific similar system d.f.'s.

Data from any one durability data vehicle may be used only once. It would be inappropriate for a manufacturer to use similar system durability data to calculate its manufacturer-specific similar system d.f.'s, and then include the same data with the remaining durability data from all or its other systems to generate its manufacturer-specific general d.f.'s. This approach could result in inappropriately low general d.f.'s. Therefore, any durability data used in generating similar system d.f.'s can not be included in generating the manufacturer-specific general d.f.'s used to certify the manufacturer's remaining proven vehicle systems.

Chrysler stated that the definition of the means of calculating manufacturer-determined d.f.'s is unclear. Chrysler questioned the nature of the data to be included in the calculation of the manufacturer-specified assigned d.f.'s. EPA has clarified the regulations with regard to the following points. EPA intended that the manufacturer-specific average or 70th percentile d.f.'s be calculated using the same protocol used by EPA in calculating the EPA industry-wide assigned d.f.'s. Specifically, EPA includes the data from a durability-data vehicle only once. Therefore, carry over data are not repetitively included in the calculation. In addition, EPA calculates each constituent separately. Chrysler is correct that each manufacturer determines its own manufacturer-specific d.f.'s. Other manufacturers' data is not included in the calculation.

Chrysler asked if EPA assigned d.f.'s would be provided for manufacturers

<sup>1</sup> Proven emission control components or systems (and fuel metering systems) are components or systems that have completed full durability testing evaluation over a vehicle's useful life in some other certified engine family, or have completed bench or road testing demonstrated to be equal or more severe than certification mileage accumulation requirements. Alternatively, proven components or systems are those that are determined by EPA to be of comparable functional quality and manufactured using comparable materials and production techniques as components or systems which have been durability demonstrated in some other certified engine family. In addition, the components or systems must be employed in an operating environment (e.g., temperature, exhaust flow, etc.) similar to that experienced by the original components or systems in the original certified engine family.

<sup>2</sup> Unproven emission control systems are emission control components or systems (and fuel metering systems) that do not qualify as proven emission control systems.

<sup>3</sup> Similar systems are all light-duty vehicles which use the same fuel (e.g., gasoline, diesel, etc.);

combustion cycle (i.e., two or four stroke); general type of fuel system (i.e., carburetor or fuel injection); general type of fuel system (i.e., carburetor or fuel injection); catalyst system (e.g., none, oxidation, three-way plus oxidation, three-way only, etc.); fuel control system (i.e., feedback or nonfeedback); secondary air system (i.e., equipped or not equipped); and EGR (i.e., equipped or not equipped).

who do not have sufficient data to calculate manufacturer-specific d.f.'s. As proposed, all LDV manufacturers with annual sales over 300 units must determine the assigned d.f.'s for exhaust emissions appropriate for their technology. However, for manufacturers who have not previously run two or more certification durability-data vehicles, the manufacturer need not establish the minimum acceptable d.f.'s. EPA will provide these values.

The level of durability demonstration will be affected by whether an emission component or system (or fuel metering system) is identified as "proven" or "unproven" technology. Olson stated that the proposed definition of "proven components" was too restrictive and would limit the introduction of new technology by small-volume manufacturers. GM and Olson stated that the definition of "proven components" GM and Olson stated that the definition of "proven components" should be expanded. GM and Olson indicated that those components validated using bench testing or road testing procedures that are equal to or more severe than certification durability should be included. Exploring this same issue, Chrysler questioned whether a system certified by the California Air Resources Board (CARB), or used for years on European and specialty type vehicles will be considered as falling within the category of "proven components or systems."

EPA has previously accepted properly designed bench or road tests to prove durability of components or systems under EPA's current d.f. program. However, the bench or road test testing was supported by certification durability data that correlated to the bench or road testing. EPA agrees that properly designed bench or road tests which include emission performance evaluations that are equal to or more severe than certification durability should be included in the definition of "proven components or systems." However, the manufacturer using other than certification durability to prove the durability of components or systems has the responsibility of demonstrating to EPA that the bench test or road test is equal to or more severe than certification durability.

The durability mileage accumulation requirements for CARB certification of new passenger cars (i.e., CARB's equivalent to EPA's LDV's) are the same as EPA durability mileage requirements. CARB requires that passenger cars complete the same certification mileage accumulation cycle (for 50,000 mile durability) as EPA. Therefore, EPA will

accept as "proven technology" components or systems completing CARB new passenger car full durability mileage accumulation requirements.

Finally, Chrysler suggested that EPA conduct a workshop to clarify the d.f. issues prior to revising the NPRM. EPA believes that the public hearing and comment period provided sufficient opportunity for commenters to identify their concerns to EPA. Further, EPA believes all of Chrysler's and other commenters' questions have now been adequately addressed and the d.f. issues adequately clarified in this final rule, eliminating the need for a workshop prior to implementation of these regulations.

#### C. Maintenance and Warranty Service

In this final rule, EPA is adopting the proposal as presented in the NPRM, that each small-volume manufacturer provide a statement to EPA at the time it requests certification affirming that it will have a qualified service facility<sup>4</sup> and repair parts conveniently available,<sup>5</sup> and it has provided the vehicle purchaser a list of emission and emission-related parts. The manufacturer must also notify the owner, at the time of sale, of the location of the nearest qualified service facility, if such service is not available at the authorized point of sale for its vehicles, and assure the purchaser that emission-related service parts will be available at or through these service locations. If an imported nonconforming vehicle is owned by the ultimate purchaser prior to modification under a certificate of conformity, the manufacturer (in this case the vehicle modifier) must notify the vehicle owner of the location of the qualified service facility and the availability of service parts at the time the modified vehicle is delivered to the vehicle owner. Finally, EPA is requiring that all manufacturers already required to have an insurance policy guaranteeing warranty service (40 CFR 85.1510), provide evidence of the fully-paid policy or proof of a contractual agreement to purchase insurance as a prerequisite to certification.

<sup>4</sup> A qualified service facility is a service facility which has: vehicle maintenance instructions; trained service personnel; applicable tools and equipment, including special tools if required; and spare parts for the manufacturer's vehicles.

<sup>5</sup> Conveniently available—For small-volume manufacturers, "conveniently available" means that the vehicle manufacturer has a qualified service facility at or near the authorized point of sale for its vehicle and maintains an inventory of all emission-related spare parts or has made arrangements for the part manufacturers to supply the parts by expedited shipment (e.g., utilizing overnight express delivery service, UPS, etc.).

The above requirements will not obligate a manufacturer to establish a network of service facilities throughout the manufacturer's state of residence or throughout the United States. At a minimum, the manufacturer, should have a qualified service facilities available at or near the point of sale or delivery of its vehicles. Service parts must be available at or through the service facility. The vehicle owner or other service facilities should be able to obtain service parts from or through the manufacturer's service facility by calling the manufacturer.

EPA expressed a concern in the NPRM that some small-volume manufacturers may not have sufficient incentives to provide adequate maintenance and warranty service. Further, without some additional incentive to these manufacturers to provide adequate service, EPA was concerned that the emission systems of some of these vehicles might not be properly maintained. EPA invited public comment on whether availability of service by small-volume manufacturers would be adequate to meet the warranty requirements of section 207(b) of the Clean Air Act. In the notice, EPA indicated that should comments from the regulated industry indicate that service and parts availability were a problem, in the final rule EPA would change the maintenance and service requirements to increase the likelihood that vehicle owners would be able to obtain proper maintenance and warranty service from small-volume manufacturers.

GM's comments on this issue indicate that it shares the concern that EPA expressed in the notice regarding the availability of maintenance and warranty service provided by small-volume manufacturers. Further, GM's comments support the proposed changes that are intended to assure the availability of maintenance and warranty service from small-volume manufacturers. No one else commented on the issue.

In light of the concerns raised by EPA in the NPRM along with GM's support and the lack of any opposing comments, EPA is promulgating the changes as proposed in the notice.

#### D. Vacuum Hose Routing Diagram

In this final rule, EPA is requiring that a vacuum hose routing diagram be included on each certified vehicle if the vehicle is equipped with vacuum actuated emission-related or emission-critical parts. The regulations being published today, as requested by Chrysler, Toyota, and VWoA, include

several modifications to be consistent with the majority of the CARB vacuum hose routing diagram requirements. The regulations include provisions that allow the manufacturer, at its option, to display the vacuum hose routing diagram on a permanent label separate from the emission control information label. Further, when a vehicle contains no vacuum-controlled emission or emission-related components, no vacuum diagram is required.

Toyota recommended that EPA allow the manufacturer to use a material of the manufacturer's choice for the separate label which may not meet the destructibility requirements applicable to the vehicle emission control information label. The California vacuum hose routing diagram labeling requirements allow the manufacturer to use a material for the separate label which does not meet the destructibility provisions that apply to the vehicle emission control information label. Currently, California and EPA require that the vehicle emission control information label be a permanent label affixed in such a manner that it cannot be removed without destroying or defacing the label (e.g., 40 CFR 86.088-35(a)(1) and (a)(1)(i)).

As stated in the NPRM, the vacuum hose routing diagram label will aid in-use vehicle inspection by making it easier for inspectors to verify that the emission control hardware is properly installed. Further, it will assist mechanics in checking their work for proper installation. A label which does not meet the destructibility requirements may be removed more easily from the vehicle thereby defeating the purpose of having the vacuum hose routing diagram label on the vehicle. Therefore, EPA concludes that, to accomplish the intended purpose, the label must be a permanent type which cannot be removed without defacing or destroying the label. Consequently, EPA is not adopting Toyota's recommendation in the final rule.

#### E. Aggregation

This final rule is adopting the three revisions proposed in the NPRM relating to the applicability of the small-volume manufacturer and engine family rules. The first revision clarifies EPA's current practice of evaluating each manufacturer's small volume certification status based on aggregated sales when one manufacturer owns 10% or more of another. The second revision extends the 10% ownership rule, applicable to two-party relationships, to relationships involving more than two parties (e.g., one manufacturer owns 10% or more of two or more firms). The third

revision extends EPA's current interpretation of corporate control of one manufacturer by another, for purposes of aggregation, to include all firms that have common corporate officers. These revisions, while not departing from EPA's existing policy regarding small-volume manufacturer aggregation, will provide a vehicle manufacturer with a clearer understanding of how various relationships with other manufacturers will affect its certification status.

EPA uses criteria such as the financial or managerial links between two or more firms to determine whether there is a sufficient level of interrelationship between these firms to warrant aggregation of their sales. When two or more firms are sufficiently interrelated, the combined total sales of the involved firms are used to determine the eligibility of each firm to utilize the small-volume certification program procedures. That is, EPA first uses the 10 percent threshold of ownership to determine whether the sales of the firms should be aggregated for purposes of applying the small-volume manufacturer rules. If so, after aggregating the sales, EPA then utilizes a second threshold (50 percent) to determine how many units may be certified by the aggregated relationship under the small-volume engine family procedures. EPA's general aggregation policy for small-volume manufacturers and small-volume engine families is described in EPA's Advisory Circular Number 51C. The following describes three specific cases in which this policy is implemented.

1. If a manufacturer purchases less than 50 percent of another manufacturer, each manufacturer retains its right to certify up to 10,000 units using small-volume certification procedures.

2. If a manufacturer purchases 50 percent or more of another manufacturer, both manufacturers must share the 10,000 units exempt from durability demonstration.

3. In a joint venture arrangement (50/50 ownership) between two manufacturers, each manufacturer retains its eligibility for up to 10,000 units under the small-volume certification procedures, but the joint venture must draw its maximum 10,000 units from the maximum of 20,000 units allocated to its parent manufacturers.

Under this policy, manufacturers can certify their small-volume sales using either the small-volume "manufacturer" or the small-volume "engine family" certification procedures. The total combined projected sales (i.e., the aggregated projected sales resulting from greater than 10 percent ownership)

of all involved manufacturers determines the certification procedures that each manufacturer may use. When the aggregated yearly sales do not exceed 300 units, each manufacturer in the relationship may certify all of its sales using the small-volume manufacturer certification provisions that are designated for manufacturers of less than 300 units per year. When the aggregated yearly sales are between 300 and 10,000 units, each manufacturer in the relationship may certify all of its sales using the small-volume manufacturer provisions that are designated for manufacturers of less than 10,000 units per year. When the percentage ownership of one manufacturer by another is less than 50 percent and the aggregated sales equal or exceed 10,000 units per year, each manufacturer in the relationship may still certify up to 9,999 units using small-volume engine family provisions. Only when the percentage ownership of one manufacturer by another is 50 percent or more and the aggregated sales exceed 9,999 units per year, are the involved manufacturers required to share the number of units allocated to the parent manufacturer to certify using the small-volume engine family provisions.

In this final rule, EPA is adopting the three proposed revisions to the regulations affecting aggregation criteria currently used to determine a manufacturer's eligibility for small-volume manufacturer status. The first revision clarifies in the regulations EPA's current method of applying aggregation criteria, and reads as follows: When one firm leases, operates, controls, supervises or in ten percent or greater part owns production facilities used by another manufacturer, then the combined sales of both manufacturers (or multiple manufacturers in the case of three or more) shall be used to determine the eligibility of each manufacturer to certify under the small-volume manufacturer rules. The second revision states when a third party has equity ownership of ten percent or more in two or more firms, the sales shall be aggregated. This provision is a natural extension of the previous regulations which specified that one firm will be aggregated with another if one of them owns ten percent or more of the other firm. The third revision states when two or more firms have common corporate officers who are responsible for the overall direction of the companies, the sales shall be aggregated. This provision acknowledges that common corporate officers constitute common control of the involved firms and is consistent with EPA's intent that sales of firms with

significant managerial links be aggregated. These regulation revisions are being finalized today to preclude possible misunderstanding of EPA's intent and application of aggregation criteria for small volume certification.

Some commenters to the NPRM are apparently concerned that EPA's proposal in the aggregation criteria will alter the Agency's current aggregation policy. However, the first provision of the proposal merely clarifies the current EPA interpretation of the aggregation criteria and should preclude possible misunderstandings. The second and third provisions are logical extensions of EPA's current intent and practice. These are potential cases that have not arisen to date, and thus do not represent a change to current aggregation practice; but, in fact, represent clearer guidance on how EPA will view such situations if and when they occur. GM commented that EPA should acknowledge in the final rule its established policy concerning the implementation of certification procedures for small-volume engine families as described in Advisory Circular No. 51C. EPA believes that this guidance is helpful to the manufacturers and has incorporated it into the final rule. Today's final rule does not change the Agency's current policy on the distribution and number of units that can be certified under the small-volume certification procedures by those manufacturers in the aggregated relationship.

Chrysler commented that the manner in which aggregated sales are determined by the notice is completely different from the way they are currently handled. Chrysler contended that the aggregated sales applies only to the manufacturer who owns a 10 percent or more interest in another manufacturer, not to all manufacturers in the agreement. Therefore, according to Chrysler, the remaining manufacturer(s) in the agreement does not have to include the sales of the owner in determining whether or not they meet the requirements of small-volume manufacturer status. However, Chrysler is not presenting an accurate assessment of EPA's current policy. EPA has always considered that each of the manufacturers involved in a multiple ownership agreement must consider the total combined sales of the involved parties for purposes of certifying. This does not represent a change in EPA's current policy on the aggregation criteria. The revised language of the regulation makes this clear. For example, assume that a large volume manufacturer purchases 15 percent of a small-volume manufacturer. Since the

large manufacturer owns greater than 10 percent of the small manufacturer, the small-volume manufacturer is no longer able to certify using the small-volume manufacturer rules. Each company may, however, certify any engine family (or combination of engine families) of less than 10,000 vehicles under the small-volume engine family certification procedures.

Chrysler, Ford, and Olson expressed concern that some small-volume manufacturer may be denied or considered not eligible to certify under the small-volume manufacturer certification procedure because a larger manufacturer (e.g., Chrysler, Ford, etc.) owns ten percent or more of the small-volume manufacturer. It is true that the small-volume manufacturer, with total annual sales not exceeding 300 units that is purchased in part (i.e., greater than 10 percent) by a large volume manufacturer could no longer use EPA assigned d.f.'s. However, the small manufacturer retains the right to certify up to and including 9,999 units under the small-volume engine family certification procedures. Likewise, the small-volume manufacturer with total sales between 300 and 10,000 units per year that is purchased in part (i.e., 10 percent or more) by a large volume manufacturer, while thereafter identified as a large volume manufacturer, retains its right to certify up to and including 9,999 units under the small-volume engine family provisions. Under these procedures, for example, EPA has certified a number of engine families that are manufactured by companies that do not qualify for small-volume manufacturer status.

Chrysler, Ford and Olson indicated that 10 percent ownership of a company does not constitute control. Ford also stated that 10 percent ownership by a third party does not constitute control. EPA established the 10 percent criterion in the 1981 small-volume rule which established the optional small-volume manufacturers certification procedures. The 10 percent criterion assured that the administrative and cost burdens associated with certification were reduced for independent small-volume manufacturers. The NPRM for today's rulemaking did not propose revising the criteria, only clarifying that both parties (the 10 percent owner and the company that is 10 percent owned) are to be considered aggregated when determining eligibility for small-volume manufacturer certification rules. EPA believes this clarification is appropriate and consistent with the original 1981 regulations which were designed to stop the inappropriate use of the small-volume manufacturer certification

procedures by manufacturers that are not independent. The clarification reasonably establishes a financial business link wherein each party could benefit from the other. No change in this criterion is appropriate based on the comments.

Ford commented that requiring aggregation of firms that share common corporate officer(s) is unworkable. For the purpose of defining which companies qualify for the optional small-volume manufacturer certification procedure, EPA believes that the common corporate officer(s) aggregation criterion adopted in this final rule is appropriate. This criterion would preclude approval for small-volume certification to an individual or company that, for example, establishes a number of small companies, each with annual sales less than 300, but with common corporate officers overseeing actual aggregated sales of over 300, in order to avoid any durability testing and in order to receive EPA assigned d.f.'s. Corporate officer information is reasonably available to the public and is appropriately used here to deter abuse of the small volume certification program.

#### *F. Emission-Data Vehicle (EDV) Mileage Requirements*

In this final rule, EPA is adopting the proposal to require all manufacturers to accumulate a minimum of 2,000 miles on EDV's (62 hours for catalyst-equipped heavy-duty engines) before certification testing.

The current certification procedures allow each manufacturer to determine the minimum amount of mileage accumulation required to stabilize the vehicle's emission performance. EPA proposed the minimum mileage accumulation to ensure that, in the future, the manufacturer does not choose to accumulate an inappropriately low mileage on EDV's. Due to a higher rate of catalyst efficiency loss during the early mileage operation of a new vehicle, testing that vehicle at an extremely low mileage could result in inappropriately low emission test results compared to a stabilized vehicle. By requiring a minimum mileage requirement before testing, EPA has greater assurance that the emission control system (including the catalyst system) has stabilized, thus allowing the manufacturer to properly project full useful life emissions from the low mileage test results.

The two commenters that addressed this proposal support it. Olson commented that Maserati has voluntarily adopted this practice for

several model years. As a result it represents no significant change in burden to Maserati. GM agreed with the proposal as stated in the NPRM. EPA is promulgating the minimum mileage/hours service accumulation as proposed in the NPRM.

#### *G. Reduction in the Number of Required Emission-Data Vehicles*

The current certification regulations require two EDV's for engine families certified under the small-volume engine family provisions by manufacturers whose annual sales exceed 10,000 units per year. In contrast, small-volume manufacturers are only required to complete one EDV per engine family. In today's final rule, EPA is adopting the proposal to reduce to one the number of EDV's required for engine families certified by larger manufacturers under the small-volume engine family certification regulations. For example, manufacturers previously certified under the small-engine family certification procedures will now only need to complete one EDV under this revision.

GM supported the proposed reduction in the number of EDV's required for engine families certified using assigned d.f.'s (systems exempted from using durability vehicles). No commenter opposed this proposal.

#### *H. Worst Case Emission Data Vehicle Selection Criteria*

In this final rule, EPA is adopting the proposal to standardize the worst-case EDV selection criteria. Previously, the small-volume manufacturer EDV selection criteria differed slightly from the EDV selection criteria applicable to larger manufacturers (e.g., heaviest (including options) vehicle weight versus heaviest equivalent test weight (including options, etc.). Standardization of the EDV selection criteria will reduce any confusion for the larger manufacturers certifying under the small-volume manufacturer certification procedures. In addition, the small-volume manufacturer should not be impacted by the change due to the limited number of vehicles in the manufacturer's product line. No comments were received on the proposed regulation language. That language is adopted as proposed in this final rule.

#### *I. Other Comments*

1. Olson recommended in its testimony at the public hearing and in its written comments to the public docket that EPA establish separate certification procedures for new manufacturers, both Independent Commercial Importers and original

equipment manufacturers, entering the certification process. The new manufacturers would be subject to the separate procedure for 5 years. Olson did not detail the nature of these separate certification procedures or how they would differ from the already established programs or the proposed revisions, but contended that the separate certification procedure would allow EPA to focus its attention on those new manufacturers.

EPA considered establishing separate certification procedures for new manufacturers during the early stages of development of the NPRM. However, EPA found no technical or legal basis for treating new manufacturers differently than any other manufacturer completing the certification process. Therefore, EPA did not propose separate certification procedures for new manufacturers. Despite EPA's request at the public hearing, Olson did not supply technical or legal justification to support its request. For these reasons EPA rejects Olson's recommendation.

2. Cummins recommended that EPA publish the EPA assigned d.f.'s at least 18 months before new emission standards (emission standards that force new technology) become effective. Cummins contends that the 18 months is necessary to allow manufacturers using EPA assigned d.f.'s to complete engine development and the certification process in a cost effective manner. Further, Cummins recommended that the d.f.'s remain in effect for the duration of the emission standards.

New emission standards that require new emission control technology occur very seldom. However, EPA realizes that in those cases it is important that manufacturers have sufficient lead time to develop the new technology. When necessary EPA has provided new technology assigned d.f.'s in a timely manner. When new, technology-forcing standards are adopted, EPA includes sufficient leadtime between promulgation and implementation to reasonably allow for product development and successful completion of the certification program. Also in a rulemaking establishing technology-forcing standards, EPA assesses the expected deterioration performance of the new technology. Since EPA relies on these rulemaking assessments for its assigned d.f.'s, manufacturers have ample notice of the d.f.'s. Nevertheless, in the future EPA plans to make clear in the rulemakings adopting technology-forcing standards the assigned d.f.'s which eligible manufacturers may use. This will continue to assure maximum leadtime in manufacturer notification.

In considering Cummins' proposal not to allow the EPA assigned d.f.'s to change over time, EPA concluded this would unnecessarily constrain the d.f.'s from being as up to date and representative as possible. EPA periodically assesses the representativeness of its assigned d.f.'s by evaluating actual durability information. If the assigned d.f.'s are not representative, EPA revises its assigned d.f.'s. EPA believes it would be inappropriate to leave in effect assigned d.f.'s that were developed based on an outdated technology assessment when the actual deterioration produced by vehicles or engines equipped with the technology produces different, either higher or lower, deterioration.

#### *III. Regulatory Flexibility*

The Regulatory Flexibility Act of 1980 requires federal agencies to identify potentially adverse impacts of federal regulations upon small entities. In instances where significant impacts are possible on a substantial number of these entities, agencies are required to perform a Regulatory Flexibility Analysis (RFA). EPA has determined that the certification revisions being finalized today will not have a significant impact on a substantial number of small-volume manufacturers.

EPA analyzed the potential impact of the durability requirements associated with the use of unproven emission control or fuel metering systems on the small-volume manufacturer prior to publishing the NPRM. At that time EPA estimated that less than 15 percent of the small-volume manufacturers may choose to use unproven emission control or fuel metering systems in the initial year these regulations are in effect. Once these unproven systems are initially evaluated, subsequent model years should see significantly fewer unproven systems certified. Therefore, this low incidence should not represent a significant number of small entities. Furthermore, EPA estimated that for those designs certified with unproven systems, the additional costs due to durability demonstration should not exceed 3 percent of the purchase price of an average vehicle for the initial model year. The durability requirements being finalized today are essentially the same as those proposed in the NPRM with one exception. Based on the comments received EPA has elected to include components that have been shown to be durable using appropriate road or bench testing procedures in the definition of proven components. The addition of alternative road or bench testing procedures as a method of

satisfying durability requirements may allow the manufacturer to use less costly durability demonstration procedures.

Therefore, based on the above discussion, the certification regulation revisions promulgated herein should not have a significant impact on a substantial number of small entities.

#### IV. Administrative Designation and Economic Impact

Section 3(b) of Executive Order 12291 requires EPA to determine whether a rule it intends to propose or to issue is a major rule and to prepare Regulatory Impact Analyses (RIA's) for all major rules. EPA has determined that this action is not a "major rule" requiring preparation of an RIA since it will not have an annual effect on the economy of \$100 million or more. Furthermore, it will not result in a major increase in industry costs or prices. Finally, this action will not have a significant adverse effect on industry, competition, employment, investment, productivity, innovation or the ability of domestic businesses to compete with vehicles produced by foreign companies since small-volume manufacturers are a small portion (less than one percent) of the total number of vehicles sold in the United States. Thus an RIA has not been prepared. Potential economic effects are addressed in an economic impact analysis (document

number II-B-3 in Public Docket A-85-30) which was prepared in accordance with RIA requirements.

#### V. OMB Review

This action was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any written comments from OMB to EPA and any EPA written response to those comments are available for public inspection at Public Docket A-85-30 located in EPA's Central Docket Section (LE-131A), 401 M Street SW., Washington, DC 20460.

#### VI. Paperwork Reduction Act

The information collection requirements contained in this rule have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* and have been assigned OMB control number 2060-0104.

Public reporting burden resulting from this rulemaking is estimated to be 360 hours per response (on average), including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this

collection of information, including suggestions for reducing this burden, to Chief, Information Policy Branch, PM-223, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, marked "Attention: Desk Officer for EPA."

#### VII. Judicial Review

The final actions described in this notice are made under the authority of sections 202, 203, 206, 207, 208, 215 and 301(a) of the Clean Air Act and are nationally applicable. Under section 307(b)(1) of the Clean Air Act, judicial review may be sought only in the United States Court of Appeals for the District of Columbia.

Petitions for judicial review must be filed on or before April 30, 1990. Judicial review may not be obtained in subsequent enforcement proceedings.

#### VIII. List of Subjects in 40 CFR Part 86

Administrative practice and procedure, Air pollution control, Gasolines, Motor vehicles, Labeling, Motor vehicle pollution, Reporting and recordkeeping requirements.

Dated: February 3, 1990.  
William K. Reilly,  
Administrator.

## APPENDIX—EXPLANATION OF SPECIFIC CHANGES

Section	Change	Reason
1. Part 86, Authority	None	To implement the following changes for the 1992 model year.
2. Add new § 86.092-1:	Revise language to specify year of applicability	First year regulations are applicable.
(a)	do	Do.
(b)	Revise language to include heavy-duty vehicles and vehicles or engines imported under 40 CFR 85.1505 and 40 CFR 85.1509.	To include all vehicle or engine categories in manufacturer's combined total sales.
(e)	Revise to include new definitions	To include definitions of proven and unproven emission control systems and conveniently available.
3. Add new § 86.092-2:		
4. Add new § 86.092-14:		
(b)(1)	Revise language to include heavy-duty vehicles and all vehicles or engines imported under 40 CFR 85.1505 and 40 CFR 85.1509.	To include all vehicles or engines in manufacturer's combined total sales.
(b)(2)	Revise language to specify aggregated relationships	To define all relationships which cause manufacturer's sales to be combined with another manufacturer.
(b)(2)(i)	Added language specifying relationships which will result in aggregation	Do.
(b)(2)(ii)	do	Do.
(b)(2)(iii)	do	Do.
(b)(2)(iv)	do	Do.
(b)(3)	Add language specifying certification procedures for aggregated relationships with total sales less than 301 units.	To define certification procedures for aggregated relationships.
(b)(4)	Add language specifying certification procedure for aggregated relationships with total sales of 301-9,999 units.	Do.
(b)(5)	Add language specifying certification procedure for aggregated relationships with total sales equal to or greater than 10,000 units.	Do.
(b)(4)(i)	do	Do.
(b)(4)(ii)	do	Do.
(b)(4)(iii)	do	Do.
(c)(7)(i)(A)	Revised language to specify one emission-data test vehicle (engine) per engine family	Clarification.
(c)(7)(i)(A)(1)	Revised language defining worst-case vehicle selection criteria	To be consistent with criteria contained in § 86.092-24(b).
(c)(7)(i)(A)(2)	Revised language defining worst-case engine selection criteria	Do.
(c)(7)(i)(B)	Revised language to include minimum service accumulation distance or time	To include new requirement of minimum service accumulation.
(c)(7)(i)(C)	Revised language to identify new requirements	To include new durability requirements.
(c)(7)(i)(C)(1)	Add language to define durability requirements for manufacturers with aggregated total sales less than 301 units per year and to define assigned deterioration factors provided by the Administrator.	To include new durability requirements and define assigned deterioration factors.
(c)(7)(i)(C)(2)	Add language to define durability requirements for manufacturers with aggregated total sales of 301 through 9,999 units per year certifying light-duty vehicles equipped with proven emission control systems.	To include new durability requirements.
(c)(7)(i)(C)(2)(i)	Add language to define calculation of manufacturer-determined assigned deterioration factors	Do.
(c)(7)(i)(C)(2)	Add language to define exhaust emissions durability requirements for manufacturers with aggregated total sales of 301 through 9,999 per year certifying light-duty vehicles equipped with unproven emission control systems.	Do.
(c)(7)(i)(C)(4)	Add language to define durability requirements for light-duty vehicles, light-duty trucks, and heavy-duty vehicle evaporative emission and light-duty truck and heavy-duty engine exhaust emissions.	Do.
(c)(8)	Revised language to clarify maintenance requirements for durability-data vehicles or engines and maintenance instructions provided to vehicle or engine purchaser.	Clarification to make consistent § 86.090-25.
(c)(9)(i)	Redesignation of (c)(9) and added language to make section 26 of this subpart applicable	To incorporate mileage and service accumulation requirements.
(c)(9)(ii)	Added to continue nonapplicability of Section 27 of this subpart	Added due to redesignation of (c)(9).
(c)(11)(i)(B)(1)	Added evaporative emission family name	Clarification.
(c)(11)(i)(B)(2)	Added the word "carline."	Clarification.
(c)(11)(i)(B)(7)	Added the words "surface area" and "total precious metal loading."	Clarification.
(c)(11)(i)(B)(7a)	Added language requiring submission of proof of insurance coverage required by 40 CFR 85.1510(b), if applicable.	New Requirement.
(c)(11)(i)(B)(18)	Added language requiring statement concerning maintenance facilities and emission and emission related service parts.	To include new requirement.
(c)(11)(i)(D)(7)	Added language requiring submission of information on manufacturer determined deterioration factors.	To include new requirement.
(c)(11)(i)(E)	Added language requiring submission of information on manufacturer determined deterioration factors.	To include new requirement.
5. Add new § 86.092-24:		
(e)(1)	Deleted contents and reserve subparagraph	To implement the following changes for 1992 model year.
(e)(2)	Revised language to reference § 86.092-14	No longer required, requirements included in subparagraph (e)(2)
6. Add new § 86.092-26:		
		To include new durability and emission-data test vehicle requirements consistent with § 86.092-14
		To implement the following changes for the 1992 model year.

## APPENDIX—EXPLANATION OF SPECIFIC CHANGES—Continued

Section	Change	Reason
(a)(3)(i)(A).....	Add language to include minimum mileage requirements, and recording and reporting of vehicle mileage.	New requirement.
(a)(3)(i)(B).....	do	Do.
(a)(3)(i)(C).....	do	Do.
(a)(3)(ii)(A).....	do	Do.
(a)(3)(ii)(B).....	do	Do.
(a)(3)(ii)(C).....	do	Do.
(b)(4)(i)(A).....	do	Do.
(b)(4)(i)(B).....	do	Do.
(b)(4)(i)(C).....	do	Do.
(b)(4)(ii)(A).....	do	Do.
(b)(4)(ii)(B).....	do	Do.
(b)(4)(ii)(C).....	do	Do.
(c)(4).....	Add language specifying minimum service accumulation time for engines equipped with catalyst.	Do.
7. Add new § 86.092-35:		
(a)(1)(iii)(i).....	Add language to identify new requirement.	To implement the following changes in the 1992 model year.
(a)(1)(iii)(j).....	do	To include requirement for vacuum hose routing diagram.
(a)(2)(iii)(L).....	do	To include labeling requirement specified in 40 CFR 85.1510.
(a)(2)(iii)(M).....	do	To include requirement for vacuum hose routing diagram.
(a)(3)(iii)(N).....	do	To include labeling requirement specified in 40 CFR 85.1510.
(a)(4)(iii)(F).....	do	To include labeling requirement specified in 40 CFR 85.1510.

For the reasons set forth in the preamble, 40 CFR part 86 is amended as follows.

**PART 86—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES: CERTIFICATION AND TEST PROCEDURES**

1. The authority citation for part 86 continues to read as follows:

Authority: Secs. 202, 203, 206, 207, 208, 215, and 301(a), Clean Air Act, as amended; 42 U.S.C. 7521, 7522, 7524, 7525, 7541, 7542, 7549, 7550, and 7601(a).

2. A new § 86.092-1, which is identical to § 86.090-1, except for revisions to paragraphs (a), (d), and (e), is added to read as follows:

**§ 86.092-1 General applicability.**

(a) The provisions of this subpart apply to 1992 and later model year new Otto-cycle and diesel light-duty vehicles, 1992 and later model year new Otto-cycle and diesel light-duty trucks, and 1992 and later model year new Otto-cycle and diesel heavy-duty engines.

(b) *Optional applicability.* A manufacturer may request to certify any heavy-duty vehicle of 10,000 pounds Gross Vehicle Weight Rating or less in accordance with the light-duty truck provisions. Heavy-duty engine or vehicle provisions do not apply to such a vehicle.

(c) [Reserved]

(d) *Alternative Durability Program.* For 1992 and later model year light-duty vehicles and light-duty trucks, a manufacturer may elect to participate in the Alternative Durability Program. This optional program provides an alternative method of determining exhaust emission control system durability.

The general procedures and a description of the programs are contained in § 86.085-13 and specific provisions on test vehicles and compliance procedures are contained in § 86.092-24 and § 86.091-28 respectively.

(e) *Small volume manufacturers.* Special certification procedures are available for any manufacturer whose projected combined U.S. sales of light-duty vehicles, light-duty trucks, heavy-duty vehicles, and heavy-duty engines in its product line (including all vehicles and engines imported under the provisions of 40 CFR 85.1505 and 40 CFR 85.1509) are fewer than 10,000 units for the model year in which the manufacturer seeks certification. To certify its product line under these optional procedures, the small-volume manufacturer must first obtain the Administrator's approval. The

manufacturer must meet the eligibility criteria specified in § 86.092-14(b) before the Administrator's approval will be granted. The small-volume manufacturer's certification procedures are described in § 86.092-14.

(f) *Optional procedures for determining exhaust opacity.* (1) The provisions of subpart I apply to tests which are performed by the Administrator, and optionally, by the manufacturer.

(2) Measurement procedures, other than that described in subpart I, may be used by the manufacturer provided the manufacturer satisfies the requirements of § 86.091-23(f).

(3) When a manufacturer chooses to use an alternative measurement procedure it has the responsibility to determine whether the results obtained by the procedure will correlate with the results which would be obtained from the measurement procedure in subpart I. Consequently, the Administrator will not routinely approve or disapprove any alternative opacity measurement procedure or any associated correlation data which the manufacturer elects to use to satisfy the data requirements for subpart I.

(4) If a confirmatory test(s) is performed and the results indicate there is a systematic problem suggesting that the data generated under an optional alternative measurement procedure do not adequately correlate with subpart I data, EPA may require that all certificates of conformity not already issued be based on data from subpart I procedures.

3. A new § 86.092-2 is added, to read as follows:

**§ 86.092-2 Definitions.**

The definitions of § 86.091-2 remain effective. The definitions listed in this section apply beginning with the 1992 model year.

(a) *Proven emission control systems* are emission control components or systems (and fuel metering systems) that have completed full durability testing evaluation over a vehicle's useful life in some other certified engine family, or have completed bench or road testing demonstrated to be equal or more severe than certification mileage accumulation requirements.

Alternatively, proven components or systems are those that are determined by EPA to be of comparable functional quality and manufactured using comparable materials and production techniques as components or systems which have been durability demonstrated in some other certified engine family. In addition, the components or systems must be

employed in an operating environment (e.g., temperature, exhaust flow, etc.) similar to that experienced by the original or comparable components or systems in the original certified engine family.

(b) *Unproven emission control systems* are emission control components or systems (and fuel metering systems) that do not qualify as proven emission control systems.

(c) *Similar systems* are engine, fuel metering and emission control system combinations which use the same fuel (e.g., gasoline, diesel, etc.), combustion cycle (i.e., two or four stroke), general type of fuel system (i.e., carburetor or fuel injection), catalyst system (e.g., none, oxidation, three-way plus oxidation, three-way only, etc.), fuel control system (i.e., feedback or non-feedback), secondary air system (i.e., equipped or not equipped) and EGR (i.e., equipped or not equipped).

(d) *Conveniently available service facility and spare parts* for small-volume manufacturers means that the vehicle manufacturer has a qualified service facility at or near the authorized point of sale or delivery of its vehicles and maintains an inventory of all emission-related spare parts or has made arrangements for the part manufacturers to supply the parts by expedited shipment (e.g., utilizing overnight express delivery service, UPS, etc.).

4. A new § 86.092-14 is added to read as follows:

**§ 86.092-14 Small-volume manufacturers certification procedures.**

(a) The small-volume manufacturers certification procedures described in paragraphs (b) and (c) of this section are optional. Small-volume manufacturers may use these optional procedures to demonstrate compliance with the general standards and specific emission requirements contained in this subpart.

(b)(1) The optional small-volume manufacturers certification procedures apply to light-duty vehicles, light-duty trucks, heavy-duty vehicles, and heavy-duty engines produced by manufacturers with U.S. sales, including all vehicles and engines imported under the provisions of 40 CFR 85.1505 and 40 CFR 85.1509 (for the model year in which certification is sought) of fewer than 10,000 units (Light-Duty Vehicles, Light-Duty Trucks, Heavy-Duty Vehicles and Heavy-Duty Engines combined).

(2) For the purpose of determining the applicability of paragraph (b)(1) of this section, the sales the Administrator shall use shall be the aggregate of the projected or actual sales of those vehicles and/or engines in any of the

groupings identified below in this subparagraph.

(i) Vehicles and/or engines produced by two or more firms, one of which is 10 percent or greater part owned by another;

(ii) Vehicles and/or engines produced by any two or more firms if a third party has equity ownership of 10 percent or more in each of the firms;

(iii) Vehicles and/or engines produced by two or more firms having a common corporate officer(s) who is(are) responsible for the overall direction of the companies;

(iv) Vehicles and/or engines imported or distributed by all firms where the vehicles and/or engines are manufactured by the same entity and the importer or distributor is an authorized agent of the entity.

(3) If the aggregated sales, as determined in paragraph (b)(2) of this section are less than 301 units, the manufacturers in the aggregated relationship may certify under the provisions in this section that apply to manufacturers with sales of less than 301 units.

(4) If the aggregated sales, as determined in paragraph (b)(2) of this section are greater than 300 but fewer than 10,000 units, the manufacturers in the aggregated relationship may certify under the provisions in this section that apply to manufacturers with sales from and including 301 through 9,999 motor vehicles and motor vehicles engines per year.

(5) If the aggregated sales, as determined in paragraph (b)(2) of this section are equal to or greater than 10,000 units, then the manufacturers involved in the aggregated relationship will be allowed to certify a number of units under the small-volume engine family certification procedures (40 CFR 86.092-24(e)) in accordance with the criteria identified below in this subparagraph.

(i) If a manufacturer purchases less than 50 percent of another manufacturer, each manufacturer retains its right to certify 9,999 units using the small-volume engine family certification procedures.

(ii) If a manufacturer purchases 50 percent or more of another manufacturer, the manufacturer with the over 50 percent interest must share, with the manufacturer it purchased, its 9,999 units under the small-volume engine family certification procedures.

(iii) In a joint venture arrangement (50/50 ownership) between two manufacturers, each manufacturer retains its eligibility for 9,999 units under the small-volume engine family certification procedures, but the joint

venture must draw its maximum 9,999 units from the units allocated to its parent manufacturers.

(c) Small-volume manufacturers shall demonstrate compliance with the applicable sections of this subpart. The appropriate model year of the following applicable sections shall be determined in accordance with § 86.084-4:

(1) Sections 86.092-1, 86.092-2, 86.090-3, 86.084-4, 86.090-5, 86.078-6, 86.078-7, and 86.090-8 through 86.090-11 of this subpart are applicable.

(2) Sections 86.080-12 of this subpart is not applicable.

(3) Section 86.085-13, 86.092-14, 86.084-15, and 86.085-20 of this subpart are applicable.

(4) Small-volume manufacturers shall include in their records all of the information that EPA requires in § 86.090-21 of this subpart. This information will be considered part of the manufacturer's application for certification. However, the manufacturer is not required to submit the information to the Administrator unless the Administrator requests it.

(5) Section 86.085-22 of this subpart is applicable except as noted below.

(i) Small-volume light-duty vehicle and light-duty truck manufacturers may satisfy the requirements of paragraph (e) of § 86.085-22 by including a statement of compliance on adjustable parameters in the application for certification. In the statement of compliance the manufacturer shall state that the limits, stops, seals, or other means used to inhibit adjustment have been designed to accomplish their intended purpose based on good engineering practice and past experience. If the vehicle parameter is adjustable the vehicle must meet emission standards with the parameter set any place within the adjustable range (Reference § 86.090-21 of this subpart).

(6) Section 86.090-23 of this subpart is applicable.

(7) Section 86.092-24 of this subpart is applicable except as noted below.

(i) Small-volume manufacturers may satisfy the requirements of paragraph (b) and (c) of § 86.092-24 of this subpart by:

(A) *Emission-data*—Selecting one emission-data test vehicle (engine) per engine family by the worst-case emissions criteria as follows:

(1) *Light-duty vehicles and light-duty trucks.* The manufacturer shall select the vehicle with the heaviest equivalent test weight (including options) within the engine family. Then within that vehicle the manufacturer shall select, in the order listed, the highest road load power, largest displacement, the transmission with the highest numerical

final gear ratio (including overdrive), the highest numerical axle ratio offered in the engine family, and the maximum fuel flow calibration.

(2) *Heavy-duty Otto-cycle engines.* The manufacturer shall select one emission-data engine first based on the largest displacement within the engine family. Then within the largest displacement the manufacturer shall select, in the order listed, highest fuel flow at the speed of maximum rated torque, the engine with the most advanced spark timing, no EGR or lowest EGR flow, and no air pump or lowest actual flow air pump.

(3) *Heavy-duty diesel engines.* The manufacturer shall select one emission-data engine based on the highest fuel feed per stroke, primarily at the speed of maximum rated torque and secondarily at rated speed.

(B) Testing light-duty vehicles or light-duty truck emission-data vehicles at any service accumulation distance of at least 2,000 miles (3,219 kilometers) or, catalyst equipped heavy-duty emission-data engines at any service accumulation time of at least 62 hours, or non-catalyst equipped heavy-duty engine emission-data engines at any service accumulation time determined by the manufacturer to result in stabilized emissions. The emission performance of the emission-data vehicle or engine must be stabilized prior to emission testing.

(C) *Durability data*—Satisfying the durability-data requirements by complying with the applicable procedures below:

(1) Manufacturers with aggregated sales of less than 301 motor vehicles and motor vehicle engines per year may use assigned deterioration factors that the Administrator determines and prescribes. The factors will be the Administrator's estimate, periodically updated and published in an advisory letter or advisory circular, of the 70th percentile deterioration factors calculated using the industrywide data base of previously completed durability-data vehicles or engines used for certification. However, the manufacturer may, at its option, accumulate miles (hours) on a durability-data vehicle (engine) and complete emission tests for the purpose of establishing its own deterioration factors.

(2) Manufacturers with aggregated sales from and including 301 through 9,999 motor vehicles and motor vehicle engines per year certifying light-duty vehicle exhaust emissions from vehicles equipped with proven emission control systems shall use assigned deterioration factors that the manufacturer determines based on its good

engineering judgment. However, the manufacturer may not use deterioration factors less than either the average or 70th percentile of all of that manufacturer's deterioration factor data, whichever is less. These minimum deterioration factors shall be calculated according to procedures in paragraph (c)(7)(i)(C)(2)(i), of this section. If the manufacturer does not have at least two data points to calculate these manufacturer specific average deterioration factors, then the deterioration factors shall be no less than the EPA supplied industrywide deterioration factors. However, the manufacturer may, at its option, accumulate miles on a durability-data vehicle and complete emission tests for the purpose of establishing its own deterioration factors.

(i) The manufacturer's minimum deterioration factors shall be calculated using the deterioration factors from all engine families, within the same vehicle/engine-fuel usage category (e.g., gasoline-fueled light-duty vehicle, etc.) previously certified to the same emission standards. The manufacturer shall use only deterioration factors engine families previously certified by the manufacturer and the deterioration factors shall not be included in the calculation more than once. The deterioration factors for each pollutant shall be calculated separately. The manufacturer may, at its option, limit the deterioration factors used in the calculation of the manufacturer's minimum deterioration factors to those from all similar systems to the system being certified if sufficient data (i.e., from at least two certified systems) exists. All data eligible to be grouped as similar system data shall be used in calculating similar system deterioration factors. Any deterioration factors used in calculating similar system deterioration factors shall not be included in calculating the manufacturer's minimum deterioration factors used to certify any of the manufacturer's remaining vehicle systems.

(3) Manufacturers with aggregated sales from 301 through 9,999 motor vehicles and motor vehicle engines and certifying light-duty vehicle exhaust emissions from vehicles equipped with unproven emission control systems shall use deterioration factors that the manufacturer determines from official certification durability data generated by vehicles from engine families representing a minimum of 25 percent of the manufacturer's sales equipped with unproven emission control systems. The sales projections are to be based on

total sales projected for each engine/system combination. The durability-data vehicle (engine) mileage accumulation and emission tests are to be conducted according to § 86.092-26 of this subpart. The manufacturer must develop deterioration factors by generating durability data in accordance with § 86.092-26 of this subpart on a minimum of 25 percent of the manufacturer's projected sales (by engine/system combination) that is equipped with unproven emission control systems. The manufacturer must complete the 25 percent durability requirement before the remainder of the manufacturer's sales equipped with unproven emission control systems is certified using manufacturer-determined assigned deterioration factors. Alternatively, any of these manufacturers may, at their option, accumulate miles on durability-data vehicles and complete emission tests for the purpose of establishing their own deterioration factors on the remaining sales.

(4) For light-duty vehicle, light-duty truck, and heavy-duty vehicle evaporative emissions and light-duty truck, and heavy-duty engine exhaust emissions, deterioration factors shall be determined in accordance with § 86.092-24 of this subpart.

(ii) Paragraphs (d) and (e) of § 86.092-24 of this subpart are not applicable.

(8) Section 86.090-25 of this subpart is applicable to maintenance performed on durability-data light-duty vehicles, light-duty trucks, heavy-duty vehicles, and heavy-duty engines when the manufacturer completes durability-data vehicles or engines; section 86.087-38 of this subpart is applicable to the recommended maintenance the manufacturer includes in the maintenance instructions furnished the purchasers of new motor vehicles and new motor vehicle engines under § 86.087-38 of this subpart.

(9)(i) Section 86.092-26 of this subpart is applicable if the manufacturer completes durability-data vehicles or engines.

(ii) Section 86.085-27 of this subpart is applicable.

(10) Sections 86.090-28 and 86.090-29 of this subpart are applicable.

(11)(i) Section 86.090-30 of this subpart is applicable, except for paragraph (a)(2) and (b) of that section. In the place of these paragraphs, small-volume manufacturer shall comply with paragraphs (c)(11)(ii) through (v) of this section, as shown below.

(ii) Small-volume manufacturers shall submit an application for certification containing the following:

(A) The names, addresses, and telephone numbers of the persons the manufacturer authorizes to communicate with us.

(B) A brief description of the vehicles (or engines) covered by the certificate (the manufacturers' sales data book or advertising, including specifications, may satisfy this requirement for most manufacturers). The description shall include, as a minimum, the following items as applicable:

(1) Engine evaporative family names and vehicle (or engine) configurations.

(2) Vehicle carlines or engine models to be listed on the certificate of conformity.

(3) The test weight and horsepower setting for each vehicle or engine configuration.

(4) Projected sales.

(5) Combustion cycle.

(6) Cooling mechanism.

(7) Number of cylinders.

(8) Displacement.

(9) Fuel system type.

(10) Number of catalytic converters, type, volume, composition, surface area, and total precious metal loading.

(11) Method of air aspiration.

(12) Thermal reactor characteristics.

(13) Suppliers' and/or manufacturers' name and model number of any emission related items of the above, if purchased from a supplier who uses the items in its own certified vehicles(s) or engine(s).

(14) A list of emission component part numbers.

(15) Drawings, calibration curves, and descriptions of emission related components, including those components regulated under paragraph (e) of § 86.085-22 of this subpart, and schematics of hoses and other devices connecting these components.

(16) Vehicle adjustments or modifications necessary for light-duty trucks to assure that they conform to high-altitude standards.

(17) A description of the light-duty vehicles and light-duty trucks which are exempted from the high-altitude emission standards.

(18) Proof that the manufacturer has obtained or entered an agreement to purchase, when applicable, the insurance policy, required by § 85.1510(b). The manufacturer may submit a copy of the insurance policy or purchase agreement as proof that the manufacturer has obtained or entered an agreement to purchase the insurance policy.

(C) The results of all emission tests the manufacturer performs to demonstrate compliance with the applicable standards.

(D)(7) The following statement signed by the authorized representative of the manufacturer: "The vehicles (or engines) described herein have been tested in accordance with (list of the applicable subparts A, B, D, I, M, N, or P) of part 86, title 40, United States Code of Federal Regulations, and on the basis of those tests are in conformance with that subpart. All of the data and records required by that subpart are on file and are available for inspection by the EPA Administrator. We project the total U.S. sales of vehicles (engines) subject to this subpart (including all vehicles and engines imported under the provisions of 40 CFR 85.1505 and 40 CFR 85.1509 to be fewer than 10,000 units."

(2) A statement as required by and contained in paragraph (c)(5) of this section signed by the authorized representative of the manufacturer.

(3) A statement that the vehicles or engines described in the manufacturer's application for certification are not equipped with auxiliary emission control devices which can be classified as a defeat device as defined in § 86.092-2 of this subpart.

(4) A statement of compliance with section 206(a)(3) of the Clean Air Act.

(5) A statement that, based on the manufacturer's engineering evaluation and/or emission testing, the light-duty vehicles comply with emission standards at high altitude unless exempt under paragraph (h) of § 86.090-8 of this subpart.

(6) A statement that, based on the manufacturer's engineering evaluation and/or emission testing, the light-duty trucks sold for principle use at designated high-altitude locations comply with the high-altitude emission requirements and that all other light-duty trucks are at least capable of being modified to meet high-altitude standards unless exempt under paragraph (g)(2) of § 86.090-9 of this subpart.

(7) A statement affirming that the manufacturer will provide a list of emission and emission-related service parts, including part number designations and sources of parts, to the vehicle purchaser for all emission and emission-related parts which might affect vehicle emission performance throughout the useful life of the vehicle. Secondly, it must state that qualified service facilities and emission-related repair parts will be conveniently available to serve its vehicles. In addition, if service facilities are not available at the point of sale or distribution, the manufacturer must indicate that the vehicle purchaser will be provided information identifying the closest authorized service facility to the point of sale, if in the United States, or

the closest authorized service facility to the point of distribution to the ultimate purchaser if the vehicle was purchased outside of the United States by the ultimate purchaser. Such information should also be made available to the Administrator upon request.

(E) Manufacturers utilizing deterioration factors determined by the manufacturer based on its good engineering judgment (re: paragraph (c)(7)(i)(C)(2) of this section) shall provide a description of the method(s) used by the manufacturer to determine the deterioration factors.

(iii) If the manufacturer meets requirements of this subpart, the Administrator will issue a certificate of conformity for the vehicles or engines described in the application for certification.

(iv) The certificate will be issued for such a period not to exceed one model year as the Administrator may determine and upon such terms as he may deem necessary to assure that any vehicle or engine covered by the certificate will meet the requirements of the Act and of this subpart.

(v)(A) If, after a review of the statements and descriptions submitted by the manufacturer, the Administrator determines that the manufacturer has not met the applicable requirements, the Administrator shall notify the manufacturer in writing of his intention to deny certification, setting forth the basis for his determination. The manufacturer may request a hearing on the Administrator's determination.

(B) If the manufacturer does not request a hearing or present the required information the Administrator will deny certification.

(12) Sections 86.079-31 and 86.079-32 of this subpart are not applicable.

(13) Under § 86.079-33 of this subpart, small-volume manufacturers are covered by the following.

(i) Small-volume manufacturers may make production changes (running changes) without receiving the Administrator's prior approval. The manufacturer shall assure (by conducting emission tests as it deems necessary) that the affected vehicles (engines) remain in compliance with the requirements of this part.

(ii) The manufacturer shall notify the Administrator within seven days after implementing any production related change (running change) that would affect vehicle emissions. This notification shall include any changes to the information required under paragraph (c)(11)(ii) of this section. The manufacturer shall also amend as necessary its records required under paragraph (c)(4) of this section to

confirm with the production design change.

(14) Section 86.082-34 of this subpart is not applicable.

(15) Sections 86.092-35, 86.079-36, 86.082-37, 86.087-38 and 86.084-39 of this subpart are applicable.

(Approved by the Office of Management and Budget under the control number 2960-0104)

5. A new § 86.092-24, which is identical to § 86.090-24, except for revisions to paragraphs (e)(1) and (e)(2), is added as follows.

#### § 86.092-24 Test vehicles and engines.

(a)(1) The vehicles or engines covered by an application for certification will be divided into groupings of engines which are expected to have similar emission characteristics throughout their useful life. Each group of engines with similar emission characteristics shall be defined as a separate engine family.

(2) To be classed in the same engine family, engines must be identical in all the following respects:

(i) The cylinder bore center-to-center dimensions.

(ii)-(iii) [Reserved]

(iv) The cylinder block configuration (air cooled or water cooled; L-6, 90° V-8, etc.).

(v) The location of the intake and exhaust valves (or ports).

(vi) The method of air aspiration.

(vii) The combustion cycle.

(viii) Catalytic converter characteristics.

(ix) Thermal reactor characteristics.

(x) Type of air inlet cooler (e.g., intercoolers and after-coolers) for diesel heavy-duty engines.

(3)(i) Engines identical in all the respects listed in paragraph (a)(2) of this section may be further divided into different engine families if the Administrator determines that they may be expected to have different emission characteristics. This determination will be based upon a consideration of the following features of each engine:

(A) The bore and stroke.

(B) The surface-to-volume ratio of the nominally dimensioned cylinder at the top dead center positions.

(C) The intake manifold induction port size and configuration.

(D) The exhaust manifold port size and configuration.

(E) The intake and exhaust valve sizes.

(F) The fuel system.

(G) The camshaft timing and ignition or injection timing characteristics.

(ii) Light-duty trucks and heavy-duty engines produced in different model years and distinguishable in the respects

listed in paragraph (a)(2) of this section shall be treated as belonging to a single engine family if the Administrator requires it, after determining that the engines may be expected to have similar emission deterioration characteristics.

(4) Where engines are of a type which cannot be divided into engine families based upon the criteria listed in paragraphs (a)(2) and (a)(3) of this section, the Administrator will establish families for those engines based upon those features most related to their emission characteristics. Engines that are eligible to be included in the same engine family based on the criteria in paragraphs (a)(2) and (a)(3)(i) of this section may be further divided into different engine families if the manufacturer determines that they may be expected to have different emission characteristics. This determination will be based upon a consideration of the following features of each engine:

(i) The dimension from the center line of the crankshaft to the center line of the camshaft.

(ii) The dimension from the center line of the crankshaft to the top of the cylinder block head face.

(iii) The size of the intake and exhaust valves (or ports).

(5) The gasoline-fueled and methanol-fueled light-duty vehicles and light-duty trucks covered by an application for certification will be divided into groupings which are expected to have similar evaporative emission characteristics throughout their useful life. Each group of vehicles with similar evaporative emission characteristics shall be defined as a separate evaporative emission family.

(6) For gasoline-fueled or methanol-fueled light-duty vehicles and light-duty trucks to be classified in the same evaporative emission family, vehicles must be similar with respect to:

(i) Type of vapor storage device (e.g., canister, air cleaner, crankcase).

(ii) Basic canister design.

(iii) Fuel system.

(7) Where vehicles are of a type which cannot be divided into evaporative emission families based on the criteria listed above, the Administrator will establish families for those vehicles based upon the features most related to their evaporative emission characteristics.

(8)(i) If the manufacturer elects to participate in the Alternative Durability Program, the engine families covered by an application for certification shall be grouped based upon similar engine design and emission control system characteristics. Each of these groups shall constitute a separate engine family group.

(ii) To be classed in the same engine family group, engine families must contain engines identical in all of the following respects:

(A) The combustion cycle.

(B) The cylinder block configuration (air-cooled or water-cooled; L-6, V-8, rotary, etc.).

(C) Displacement (engines of different displacement within 50 cubic inches or 15 percent of the largest displacement and contained within a multi-displacement engine family will be included in the same engine family group).

(D) Catalytic converter usage and basic type (non-catalyst, oxidation catalyst only, three-way catalyst equipped).

(9) Engine families identical in all respects listed in paragraph (a)(8) of this section may be further divided into different engine family groups if the Administrator determines that they are expected to have significantly different exhaust emission control system deterioration characteristics.

(10) A manufacturer may request the Administrator to include in an engine family group, engine families in addition to those grouped under the provisions of paragraph (a)(8) of this section. This request must be accompanied by information the manufacturer believes supports the inclusion of these additional engine families.

(11) A manufacturer may combine into a single engine family group those light-duty vehicle and light-duty truck engine families which otherwise meet the requirements of paragraph (a)(8) through (a)(10) of this section.

(12) The vehicles covered by an application for certification equipped with gasoline-fueled and methanol-fueled heavy-duty engines will be divided into groupings of vehicles on the basis of physical features which are expected to affect evaporative emissions. Each group of vehicles with similar features shall be defined as a separate evaporative emission family.

(13) For gasoline-fueled or methanol-fueled heavy-duty vehicles to be classified in the same evaporative emission family, vehicles must be identical with respect to:

(i) Method of fuel/air metering (i.e., carburetion versus fuel injection).

(ii) Carburetor bowl fuel volume, within a 10 cc range.

(14) For vehicles equipped with gasoline-fueled and methanol-fueled heavy-duty engines to be classified in the same evaporative emission control system, vehicles must be identical with respect to:

(i) Method of vapor storage.

(ii) Method of carburetor sealing.

(iii) Method of air cleaner sealing.

(iv) Vapor storage working capacity, within a 20g range.

(v) Number of storage devices.

(vi) Method of purging stored vapors.

(vii) Method of venting the carburetor during both engine off and engine operation.

(viii) Liquid fuel hose material.

(ix) Vapor storage material.

(15) Where vehicles equipped with gasoline-fueled or methanol-fueled heavy-duty engines are types which cannot be divided into evaporative emission family-control system combinations based on the criteria listed above, the Administrator will establish evaporative emission family-control system combinations for those vehicles based on features most related to their evaporative emission characteristics.

(b) *Emission data*—(1) *Emission-data vehicles*. Paragraph (b)(1) of this section applies to light-duty vehicle and light-duty truck emission-data vehicles.

(i) Vehicles will be chosen to be operated and tested for emission data based upon engine family groupings. Within each engine family, one test vehicle will be selected based on the following criteria: The Administrator shall select the vehicle with the heaviest equivalent test weight (including options) within the family. Then within that vehicle the Administrator shall select, in the order listed, the highest road-load power, largest displacement, the transmission with the highest numerical final gear ratio (including overdrive), the highest numerical axle ratio offered in that engine family, and the maximum fuel flow calibration.

(ii) The Administrator shall select one additional test vehicle from within each engine family. The vehicle selected shall be the vehicle expected to exhibit the highest emissions of those vehicles remaining in the engine family. If all vehicles within the engine family are similar the Administrator may waive the requirements of this paragraph.

(iii) Within an engine family and exhaust emission control system, the manufacturer may alter any emission-data vehicle (or other vehicles such as including current or previous model year emission-data vehicles, fuel economy data vehicles, and development vehicles provided they meet emission-data vehicles' protocol) to represent more than one selection under paragraph (b)(1) (i), (ii), (iv), or (vii) of this section.

(iv) If the vehicles selected in accordance with paragraphs (b)(1) (i) and (ii) of this section do not represent each engine-system combination, then one vehicle of each engine-system combination not represented will be

selected by the Administrator. The vehicle selected shall be the vehicle expected to exhibit the highest emissions of those vehicles remaining in the engine family.

(v) For high-altitude exhaust emission compliance for each engine family, the manufacturer shall follow one of the following procedures:

(A) The manufacturer will select for testing under high-altitude conditions the vehicle expected to exhibit the highest emissions from the nonexempt vehicles selected in accordance with paragraphs (b)(1)(ii), (iii), and (iv) of this section or.

(B) In lieu of testing vehicles according to paragraph (b)(1)(v)(A) of this section, a manufacturer may provide a statement in its application for certification that, based on the manufacturer's engineering evaluation of such high-altitude emission testing as the manufacturer deems appropriate,

(1) That all light-duty vehicles not exempt under § 86.090-8(h) comply with the emission standards at high altitude; and

(2) That light-duty trucks sold for principal use at designated high-altitude locations comply with the high-altitude emission requirements and that all light-duty trucks sold at low altitude, which are not exempt under § 86.091-9(g)(2), are capable of being modified to meet high-altitude standards.

(vi) If 90 percent or more of the engine family sales will be in California, a manufacturer may substitute emission-data vehicles selected by the California Air Resources Board criteria for the selections specified in paragraphs (b)(1)(i), (ii), and (iv) of this section.

(vii)(A) Vehicles of each evaporative emission family will be divided into evaporative emission control systems.

(B) The Administrator will select the vehicle expected to exhibit the highest evaporative emissions, from within each evaporative family to be certified, from among the vehicles represented by the exhaust emission-data selections for the engine family, unless evaporative testing has already been completed on the vehicle expected to exhibit the highest evaporative emissions for the evaporative family as part of another engine family's testing.

(C) If the vehicles selected in accordance with paragraph (b)(1)(vii)(B) of this section do not represent each evaporative emission control system then the Administrator will select the highest expected evaporative emission vehicle from within the unrepresented evaporative system.

(viii) For high-altitude evaporative emission compliance for each evaporative emission family, the

manufacturer shall follow one of the following procedures:

(A) The manufacturer will select for testing under high-altitude conditions the one nonexempt vehicle previously selected under paragraphs (b)(1)(vii) (B) or (C) of this section which is expected to have the highest level of evaporative emissions when operated at high altitude or

(B) In lieu of testing vehicles according to paragraph (b)(1)(viii)(A) of this section, a manufacturer may provide a statement in its application for certification that based on the manufacturer's engineering evaluation of such high-altitude emission testing as the manufacturer deems appropriate,

(1) That all light-duty vehicles not exempt under § 86.090-8(h) comply with the emission standards at high altitude, and

(2) That light-duty trucks sold for principal use at designated high-altitude locations comply with the high-altitude emission requirements and that all light-duty trucks sold at low altitude, which are not exempt under § 86.091-9(g)(2), are capable of being modified to meet high-altitude standards.

(ix) Vehicles selected under paragraph (b)(1)(v)(A) of this section may be used to satisfy the requirements of (b)(1)(viii)(A) of this section.

(x) *Light-duty trucks only:* (A) The manufacturer may reconfigure any of the low-altitude emission-data vehicles to represent the vehicle configuration required to be tested at high altitude.

(B) The manufacturer is not required to test the reconfigured vehicle at low altitude.

(2) *Otto-cycle heavy-duty emission-data engines.* Paragraph (b)(2) of this section applies to Otto-cycle heavy-duty engines.

(i)-(ii) [Reserved]

(iii) The Administrator shall select a maximum of two engines within each engine family based upon features indicating that they may have the highest emission levels of the engines in the engine family as follows:

(A) The Administrator shall select one emission-data engine first based on the largest displacement within the engine family. Then within the largest displacement the Administrator shall select, in the order listed, highest fuel flow at the speed of maximum rated torque, the engine with the most advanced spark timing, no EGR or lowest EGR flow, and no air pump or lowest actual flow air pump.

(B) The Administrator shall select one additional engine, from within each engine family. The engine selected shall be the engine expected to exhibit the highest emissions of those engines

remaining in the engine family. If all engines within the engine family are similar the Administrator may waive the requirements of this paragraph.

(iv) If the engines selected in accordance with paragraph (b)(2)(ii) and (iii) of this section do not represent each engine displacement-exhaust emission control system combination, then one engine of each engine displacement-exhaust emission control system combination not represented shall be selected by the Administrator.

(v) Within an engine family/displacement/control system combination, the manufacturer may alter any emission-data engine (or other engine including current or previous model year emission-data engines and development engines provided they meet the emission-data engines' protocol) to represent more than one selection under paragraph (b)(2)(iii) of this section.

(3) *Diesel heavy-duty emission-data engines.* Paragraph (b)(3) of this section applies to diesel heavy-duty emission-data vehicles.

(i) Engines will be chosen to be run for emission data based upon engine family groupings. Within each engine family, the requirements of this paragraph must be met.

(ii) Engines of each engine family will be divided into groups based upon their exhaust emission control systems. One engine of each system combination shall be run for smoke emission data and gaseous emission data. Either the complete gaseous emission test or the complete smoke test may be conducted first. Within each combination, the engine that features the highest fuel feed per stroke, primarily at the speed of maximum rated torque and secondarily at rated speed, will usually be selected. If there are military engines with higher fuel rates than other engines in the same engine system combinations, then one military engine shall also be selected. The engine with the highest fuel feed per stroke will usually be selected.

(iii) The Administrator may select a maximum of one additional engine within each engine-system combination based upon features indicating that it may have the highest emission levels of the engines of that combination. In selecting this engine, the Administrator will consider such features as the injection system, fuel system, compression ratio, rated speed, rated horsepower, peak torque speed, and peak torque.

(iv) Within an engine family control system combination, the manufacturer may alter any emission-data engine (or other engine including current or

previous model year emission-data engines and development engines provided they meet the emission-data engines' protocol) to represent more than one selection under paragraph (b)(3)(ii) and (iii) of this section.

(c) *Durability data—(1) Light-duty vehicle durability-data vehicles.* Paragraph (c)(1) of this section applies to light-duty vehicle durability-data vehicles.

(i) A durability-data vehicle will be selected by the Administrator to represent each engine-system combination. The vehicle selected shall be of the engine displacement with the largest projected sales volume of vehicles with that control-system combination in that engine family and will be designated by the Administration as to transmission type, fuel system, inertia weight class, and test weight.

(ii) A manufacturer may elect to operate and test additional vehicles to represent any engine-system combination. The additional vehicles must be of the same engine displacement, transmission type, fuel system and inertia weight class as the vehicle selected for that engine-system combination in accordance with the provisions of paragraph (c)(1)(i) of this section. Notice of an intent to operate and test additional vehicles shall be given to the Administrator no later than 30 days following notification of the test fleet selection.

(2) *Light-duty trucks.* Paragraph (c)(2) of this section applies to vehicles, engines, subsystems, or components used to establish exhaust emission deterioration factors for light-duty trucks.

(i) The manufacturer shall select the vehicles, engines, subsystems, or components to be used to determine exhaust emission deterioration factors for each engine-family control system combination. Whether vehicles, engines, subsystems, or components are used, they shall be selected so that their emissions deterioration characteristics may be expected to represent those of in-use vehicles, based on good engineering judgment.

(ii) [Reserved]

(3) *Heavy-duty engines.* Paragraph (c)(3) of this section applies to engines, subsystems, or components used to establish exhaust emission deterioration factors for heavy-duty engines.

(i) The manufacturer shall select the engines, subsystems, or components to be used to determine exhaust emission deterioration factors for each engine-family control system combination. Whether engines, subsystems, or components are used, they shall be

selected so that their emissions deterioration characteristics may be expected to represent those of in-use engines, based on good engineering judgment.

(ii) [Reserved]

(d) For purposes of testing under § 86.092-26 (a)(9) or (b)(11), the Administrator may require additional emission-data vehicles (or emission-data engines) and durability-data vehicles (light-duty vehicles only) identical in all material respects to vehicles (or engines) selected in accordance with paragraphs (b) and (c) of this section. *Provided* That the number of vehicles (or engines) selected shall not increase the size of either the emission-data fleet or the durability-data fleet by more than 20 percent or one vehicle (or engine), whichever is greater.

(e)(1) [Reserved]

(2) Any manufacturer may request to certify engine families with combined total sales of fewer than 10,000 light-duty vehicles, light-duty trucks, heavy-duty vehicles, and heavy-duty engines utilizing the procedures contained in § 86.092-14 of this subpart for emission-data vehicle selection and determination of deterioration factors. The deterioration factors shall be applied only to entire engine families.

(f) In lieu of testing an emission-data or durability-data vehicle (or engine) selected under paragraph (b) or (c) of this section, and submitting data therefore, a manufacturer may, with the prior written approval of the Administrator, submit exhaust emission data and/or fuel evaporative emission data, as applicable on a similar vehicle (or engine) for which certification has previously been obtained or for which all applicable data required under § 86.091-23 has previously been submitted.

(g)(1) This paragraph applies to light-duty vehicles and light-duty trucks, but does not apply to the production vehicles selected under paragraph (h) of this section.

(2)(i) Where it is expected that more than 33 percent of a carline, within an engine-system combination, may be equipped with an item (whether that item is standard equipment or an option), the full estimated weight of that item shall be included in the curb weight computation of each vehicle available with that item in that carline, within that engine-system combination.

(ii) Where it is expected that 33 percent or less of the carline, within an engine-system combination, will be equipped with an item (whether that item is standard equipment or an option), no weight for that item will be

added in computing the curb weight for any vehicle in that carline, within that engine-system combination, unless that item is standard equipment on the vehicle.

(iii) In the case of mutually exclusive options, only the weight of the heavier option will be added in computing the curb weight.

(iv) Optional equipment weighing less than three pounds per item need not be considered.

(3)(i) Where it is expected that more than 33 percent of a carline, within an engine-system combination, will be equipped with an item (whether that item is standard equipment or an option) that can reasonably be expected to influence emissions, then such items shall actually be installed (unless excluded under paragraph (g)(3)(ii) of this section) on all emission-data and durability-data vehicles of that carline, within that engine-system combination, on which the items are intended to be offered in production. Items that can reasonably be expected to influence emissions are: air conditioning, power steering, power brakes, and other items determined by the Administrator.

(ii) If the manufacturer determines by test data or engineering evaluation that the actual installation of the optional equipment required by paragraph (g)(3)(i) of this section does not affect the emissions or fuel economy values, the optional equipment need not be installed on the test vehicle.

(iii) The weight of the options shall be included in the design curb weight and also be represented in the weight of the test vehicles.

(iv) The engineering evaluation, including any test data, used to support the deletion of optional equipment from test vehicles, shall be maintained by the manufacturer and shall be made available to the Administrator upon request.

(4) Where it is expected that 33 percent or less of a carline within an engine-system combination will be equipped with an item (whether that item is standard equipment or an option) that can reasonably be expected to influence emissions, that item shall not be installed on any emission-data vehicle or durability-data vehicle of that carline, within that engine-system combination, unless that item is standard equipment on that vehicle or specifically required by the Administrator.

(h) *Alternative Durability Program durability-data vehicles.* This section applies to light-duty vehicle and light-duty truck durability-data vehicles selected under the Alternative.

Durability Program described in § 86.085-13.

(1) To update the durability data to be used to determine a deterioration factor for each engine family group, the Administrator will select durability-data vehicles from the manufacturer's production line. Production vehicles will be selected from each model year's production for those vehicles certified using the Alternative Durability Program procedures.

(i) The Administrator shall select the production durability-data vehicle designs from the designs that the manufacturer offers for sale. For each model year and for each engine family group, the Administrator may select production durability-data vehicle designs of equal number to the number of engine families within the engine family group, up to a maximum of three vehicles.

(ii) The production durability-data vehicles representing the designs selected in paragraph (h)(1)(i) of this section will be randomly selected from the manufacturer's production. The Administrator will make these random selections unless the manufacturer (with prior approval of the Administrator) elects to make the random selections.

(iii) The manufacturer may select additional production durability-data vehicle designs from within the engine family group. The production durability-data vehicles representing these designs shall be randomly selected from the manufacturer's production in accordance with paragraph (h)(1)(ii) of this section.

(iv) For each production durability-data vehicle selected under paragraph (h)(1) of this section, the manufacturer shall provide to the Administrator (before the vehicle is tested or begins service accumulation) the vehicle identification number. Before the vehicle begins service accumulation the manufacturer shall also provide the Administrator with a description of the durability-data vehicle as specified by the Administrator.

(v) In lieu of testing a production durability-data vehicle selected under paragraph (h)(1) of this section, and submitting data therefrom, a manufacturer may, with the prior written approval of the Administrator, submit exhaust emission data from a production vehicle of the same configuration for which all applicable data has previously been submitted.

(2) If, within an existing engine family group, a manufacturer requests to certify vehicles of a new design, engine family, emission control system, or with any other durability-related design difference, the Administrator will

determine if the existing engine family group deterioration factor is appropriate for the new design. If the Administrator cannot make this determination or deems the deterioration factor not appropriate, the Administrator shall select preproduction durability-data vehicles under the provisions of paragraph (c) of this section. If vehicles are then certified using the new design, the Administrator may select production vehicles with the new design under the provisions of paragraph (h)(1) of this section.

(3) If a manufacturer requests to certify vehicles of a new design that the Administrator determines are a new engine family group, the Administrator shall select preproduction durability-data vehicles under the provisions of paragraph (c) of this section. If vehicles are then certified using the new design, the Administrator may select production vehicles of that design under the provisions of paragraph (h)(1) of this section.

(Approved by the Office of Management and Budget under the control number 2060-0104)

6. A new § 86.092-26, which is identified to section 86.090-26, except for revisions to paragraph (a)(3)(i)(A), (a)(3)(i)(B), (a)(3)(i)(C), (a)(3)(ii)(A), (a)(3)(ii)(B), (a)(3)(ii)(C), (b)(4)(i)(A), (b)(4)(i)(B), (b)(4)(i)(C), (b)(4)(ii)(A), (b)(4)(ii)(B), (b)(4)(ii)(C), and (c)(4) is added as follows:

**§ 86.092-26 Mileage and service accumulation; emission measurements.**

(a)(1) Paragraph (a) of this section applies to light-duty vehicles.

(2) The procedure for mileage accumulation will be the Durability Driving Schedule as specified in Appendix IV to this part. A modified procedure may also be used if approved in advance by the Administrator. Except with the advance approval of the Administrator, all vehicles will accumulate mileage at a measured curb weight which is within 100 pounds of the estimated curb weight. If the loaded vehicle weight is within 100 pounds of being included in the next higher inertia weight class as specified in § 86.129, the manufacturer may elect to conduct the respect emission tests at higher loaded vehicle weight.

(3) *Emission-data vehicles.* Unless otherwise provided for in § 86.091-23(a), emission-data vehicles shall be operated and tested as follows:

(i) *Otto-cycle.* (A) The manufacturer shall determine, for each engine family, the mileage at which the engine-system combination is stabilized for emission-data testing. The manufacturer shall maintain, and provide to the

Administrator if requested, a record of the rationale used in making this determination. The manufacturer may elect to accumulate 4,000 miles on each test vehicle within an engine family without making a determination. The manufacturer must accumulate a minimum of 2,000 miles (3,219 kilometers) on each test vehicle within an engine family. All test vehicle mileage must be accurately determined, recorded, and reported to the Administrator. Any vehicle used to represent emission-data vehicle selections under § 86.092-24(b)(1) shall be equipped with an engine and emission control system that has accumulated the mileage the manufacturer chose to accumulate on the test vehicle. Fuel economy data generated from certification vehicles selected in accordance with § 86.092-24(b)(1) with engine-system combinations that have accumulated more than 10,000 kilometers (6,200 miles) shall be factored in accordance with § 600.006-87(c). Complete exhaust and evaporative (if required) emission tests shall be conducted for each emission-data vehicle selection under § 86.092-24(b)(1). The Administrator may determine under § 86.092-24(f) that no testing is required.

(B) Emission tests for emission-data vehicle(s) selected for testing under § 86.092-24(b)(1)(v) or (viii) shall be conducted at the mileage (2,000 mile minimum) at which the engine-system combination is stabilized for emission testing under high-altitude conditions.

(C) Exhaust and evaporative emissions tests for emission-data vehicle(s) selected for testing under § 86.092-24(b)(1) (i), (ii), (iii), (iv), or (vii)(B) shall be conducted at the mileage (2,000 mile minimum) at which the engine-system combination is stabilized for emission testing under low-altitude conditions.

(D) For each engine family, the manufacturer will either select one vehicle previously selected under § 86.092-24(b)(1) (i) through (iv) to be tested under high-altitude conditions or provide a statement in accordance with § 86.092-24(b)(1)(v). Vehicles shall meet emission standards under both low- and high-altitude conditions without manual adjustments or modifications. In addition, any emission control device used to conform with the emission standards under high-altitude conditions shall initially actuate (automatically) no higher than 4,000 feet above sea level.

(ii) *Diesel.* (A) The manufacturer shall determine, for each engine family, the mileage at which the engine-system combination is stabilized for emission-data testing. The manufacturer shall

maintain, and provide to the Administrator if requested, a record of the rationale used in making this determination. The manufacturer may elect to accumulate 4,000 miles on each test vehicle within an engine family without making a determination. The manufacturer must accumulate a minimum of 2,000 miles (3,219 kilometers) on each test vehicle within an engine family. All test vehicle mileage must be accurately determined, recorded, and reported to the Administrator. Any vehicle used to represent emission-data vehicle selections under § 86.092-24(b)(1) shall be equipped with an engine and emission control system that has accumulated the mileage the manufacturer chose to accumulate on the test vehicle. Fuel economy data generated from certification vehicles selected in accordance with § 86.092-24(b)(1) with engine-system combinations that have accumulated more than 10,000 kilometers (6,200 miles) shall be factored in accordance with § 600.006-87(c). Complete exhaust emission tests shall be conducted for each emission-data vehicle selection under § 86.092-24(b)(1). The Administrator may determine under § 86.092-24(f) that no testing is required.

(B) Emission tests for emission-data vehicle(s) selected for testing under § 86.092-24(b)(1)(v) shall be conducted at the mileage (2,000 mile minimum) at which the engine-system combination is stabilized for emission testing under high-altitude conditions.

(C) Exhaust and evaporative emissions tests for emission-data vehicle(s) selected for testing under § 86.092-24(b)(1) (i), (ii), (iii), (iv), or (vii)(B) shall be conducted at the mileage (2,000 mile minimum) at which the engine-system combination is stabilized for emission testing under low-altitude conditions.

(D) For each engine family, the manufacturer will either select one vehicle previously selected under § 86.092-24(b)(1) (i) through (iv) to be tested under high-altitude conditions or provide a statement in accordance with § 86.092-24(b)(1)(v). Vehicles shall meet emission standards under both low- and high-altitude conditions without manual adjustments or modifications. In addition, any emission control device used to conform with the emission standards under high-altitude conditions shall initially actuate (automatically) no higher than 4,000 feet above sea level.

(4)(i) *Durability data vehicles.* (A) Unless otherwise provided for in § 86.091-23(a), each durability-data vehicle shall be driven, with all emission control systems installed and operating, for 50,000 miles or such lesser distance

as the Administrator may agree to as meeting the objective of this procedure.

(B) Complete exhaust emission tests shall be made at test point mileage intervals that the manufacturer determines.

(C) At a minimum, two complete exhaust emission tests shall be made. The first test shall be made at a distance not greater than 6,250 miles. The last shall be made at 50,000 miles.

(D) The mileage interval between test points must be of equal length except for the interval between zero miles and the first test, and any interval before or after testing conducted in conjunction with vehicle maintenance as specified in § 86.090-25(g)(2).

(i) The manufacturer may, at its option, alter the durability-data vehicle at the selected test point to represent emission-data vehicle(s) within the same engine-system combination and perform emission tests on the altered vehicle. Upon completion of emission testing, the manufacturer may return the test vehicle to the durability-data vehicle configuration and continue mileage accumulation.

(5)(i) All tests required by this subpart on emission-data vehicles shall be conducted at a mileage equal to or greater than the mileage the manufacturer determines under paragraph (a)(3) of this section.

(ii) All tests required by this subpart on durability-data vehicles shall be conducted within 250 miles of each of the test points.

(6)(i)(A) The manufacturer may conduct multiple tests at any test point at which the data are intended to be used in the deterioration factor. At each test point where multiple tests are conducted, the test results from all valid tests shall be averaged to determine the data point to be used in the deterioration factor calculation, except under paragraph (a)(6)(i)(B) of this section. The test results from emission tests performed before maintenance affecting emissions shall not be averaged with test results after the maintenance.

(B) The manufacturer is not required to average multiple tests if the manufacturer conducts no more than three tests at each test point and if the number of tests at each test point is equal. All test points must be treated the same for all exhaust pollutants.

(ii) The results of all emission testing shall be supplied to the Administrator. The manufacturer shall furnish to the Administrator explanation for voiding any test. The Administrator will determine if voiding the test was appropriate based upon the explanation given by the manufacturer for the voided

test. Tests between test points may be conducted as required by the Administrator. Data from all tests (including voided tests) may be submitted weekly to the Administrator, but shall be air posted or delivered to the Administrator within 7 days after completion of the test. In addition, all test data shall be compiled and provided to the Administrator in accordance with § 86.091-23. Where the Administrator conducts a test on a durability-data vehicle at a prescribed test point, the results of that test will be used in the calculation of the deterioration factor.

(iii) The results of all emission tests shall be rounded, using the "Rounding Off Method" specified in ASTM E 29-67, to the number of places to the right of the decimal point indicated by expressing the applicable emission standard of this subpart to one additional significant figure.

(7) Whenever a manufacturer intends to operate and test a vehicle which may be used for emission or durability data, the manufacturer shall retain in its records all information concerning all emissions tests and maintenance, including vehicle alterations to represent other vehicle selections. For emission-data vehicles, this information shall be submitted, including the vehicle description and specification information required by the Administrator, to the Administrator following the emission-data test. For durability-data vehicles, this information shall be submitted following the 5,000-mile test.

(8) Once a manufacturer submits the information required in paragraphs (a)(7) of this section for a durability-data vehicle, the manufacturer shall continue to run the vehicle to 50,000 miles, and the data from the vehicle will be used in the calculations under § 86.091-28. Discontinuation of a durability-data vehicle shall be allowed only with the consent of the Administrator.

(9)(i) The Administrator may elect to operate and test any test vehicle during all or any part of the mileage accumulation and testing procedure. In such cases, the manufacturer shall provide the vehicle(s) to the Administrator with all information necessary to conduct this testing.

(ii) The test procedures in §§ 86.106 through 86.145 will be followed by the Administrator. The Administrator will test the vehicles at each test point. Maintenance may be performed by the manufacturer under such conditions as the Administrator may prescribe.

(iii) The data developed by the Administrator for the engine-system combination shall be combined with any

applicable data supplied by the manufacturer on other vehicles of that combination to determine the applicable deterioration factors for the combination. In the case of a significant discrepancy between data developed by the Administrator and that submitted by the manufacturer, the Administrator's data shall be used in the determination of deterioration factors.

(10) Emission testing of any type with respect to any certification vehicle other than that specified in this part is not allowed except as such testing may be specifically authorized by the Administrator.

(11) This section does not apply to testing conducted to meet the requirements of § 86.091-23(b)(2).

(b)(1) Paragraph (b) of this section applies to light-duty trucks.

(2) There are three types of mileage or service accumulation applicable to light-duty trucks:

(i) Mileage or service accumulation on vehicles, engines, subsystems, or components selected by the manufacturer under § 86.092-24(c)(2)(i). The manufacturer determines the form and extent of this mileage or service accumulation, consistent with good engineering practice, and describes it in the application for certification.

(ii) Mileage accumulation of the duration selected by the manufacturer on emission-data vehicles selected under § 86.092-24(b)(1). The procedure for mileage accumulation will be the Durability Driving Schedule as specified in Appendix IV to this part. A modified procedure may also be used if approved in advance by the Administrator. Except with the advance approval of the Administrator, all vehicles will accumulate mileage at a measured curb weight which is within 100 pounds of the estimated curb weight. If the loaded vehicle weight is within 100 pounds of being included in the next higher inertia weight class as specified in § 86.129, the manufacturer may elect to conduct the respective emission tests at the test weight corresponding to the higher loaded vehicle weight.

(iii) Service or mileage accumulation which may be part of the test procedures used by the manufacturer to establish evaporative emission deterioration factors.

(3) Exhaust emission deterioration factors will be determined on the basis of the mileage or service accumulation described in paragraph (b)(2)(i) of this section and related testing, according to the manufacturer's procedures.

(4) Each emission-data vehicle shall be operated and tested as follows:

(i) *Otto-cycle*. (A) The manufacturer shall determine, for each engine family,

the mileage at which the engine-system combination is stabilized for emission-data testing. The manufacturer shall maintain, and provide to the Administrator if requested, a record of the rationale used in making this determination. The manufacturer may elect to accumulate 4,000 miles on each test vehicle within an engine family without making a determination. The manufacturer must accumulate a minimum of 2,000 miles (3,219 kilometers) on each test vehicle within an engine family. All test vehicle mileage must be accurately determined, recorded, and reported to the Administrator. Any vehicle used to represent emission-data vehicle selections under § 86.092-24(b)(1) shall be equipped with an engine and emission control system that has accumulated the mileage the manufacturer chose to accumulate on the test vehicle. Fuel economy data generated from certification vehicles selected in accordance with § 86.092-24(b)(1) with engine-system combinations that have accumulated more than 10,000 kilometers (6,200 miles) shall be factored in accordance with § 600.006-87(c). Complete exhaust emission tests shall be conducted for each emission-data vehicle selection under § 86.092-24(b)(1). The Administrator may determine under § 86.092-24(f) that no testing is required.

(B) Emission tests for emission-data vehicle(s) selected for testing under § 86.092-24 (b)(1)(v) or (b)(1)(viii) shall be conducted at the mileage (2,000 mile minimum) at which the engine-system combination is stabilized for emission testing or at 6,436 kilometers (4,000 miles) under high-altitude conditions.

(C) Exhaust and evaporative emission tests for emission-data vehicle(s) selected for testing under § 86.092-24(b)(1) (ii), (iii), (iv)(A), or (vii)(B) shall be conducted at the mileage (2,000 mile minimum) at which the engine-system combination is stabilized for emission testing or at 6,436 kilometer (4,000 mile) test point under low-altitude conditions.

(D) If the manufacturer recommends adjustments or modifications in order to conform to emission standards at high altitude, such adjustments or modifications shall be made to the test vehicle selected under § 86.092-24(b)(1) (v) and (viii) (in accordance with the instructions to be provided to the ultimate purchaser) before being tested under high-altitude conditions.

(ii) *Diesel*. (A) The manufacturer shall determine, for each engine family, the mileage at which the engine-system combination is stabilized for emission-data testing. The manufacturer shall maintain, and provide to the

Administrator if requested, a record of the rationale used in making this determination. The manufacturer may elect to accumulate 4,000 miles on each test vehicle within an engine family without making a determination. The manufacturer must accumulate a minimum of 2,000 miles (3,219 kilometers) on each test vehicle within an engine family. All test vehicle mileage must be accurately determined, recorded, and reported to the Administrator. Any vehicle used to represent emission-data vehicle selections under § 86.092-24(b)(1) shall be equipped with an engine and emission control system that has accumulated the mileage the manufacturer chose to accumulate on the test vehicle. Fuel economy data generated from certification vehicles selected in accordance with § 86.092-24(b)(1) with engine-system combinations that have accumulated more than 10,000 kilometers (6,200 miles) shall be factored in accordance with § 600.006-87(c). Complete exhaust emission tests shall be conducted for each emission-data vehicle selection under § 86.092-24(b)(1). The administrator may determine under § 86.092-24(f) that no testing is required.

(B) Emission tests for emission-data vehicle(s) selected for testing under § 86.092-24 (b)(1)(v) shall be conducted at the mileage (2,000 mile minimum) at which the engine-system combination is stabilized for emission testing or at the 6,436 kilometer (4,000 mile) test point under high-altitude conditions.

(C) Exhaust and evaporative emission tests for emission-data vehicle(s) selected for testing under § 86.092-24 (b)(1) (ii), (iii), and (iv) shall be conducted at the mileage (2,000 mile minimum) at which the engine-system combination is stabilized for emission testing or at the 6,436 kilometer (4,000 mile) test point under low-altitude conditions.

(D) If the manufacturer recommends adjustments or modifications in order to conform to emission standards at high-altitude, such adjustments or modifications shall be made to the test vehicle selected under § 86.092-24(b)(1) (v) and (viii) (in accordance with the instructions to be provided to the ultimate purchaser) before being tested under high-altitude conditions.

(iii) [Reserved]

(iv) All tests required by this subpart on emission-data vehicles shall be conducted at a mileage equal to or greater than the mileage the manufacturer determines under paragraph (b)(4) of this section.

(c)(1) Paragraph (c) of this section applies to heavy-duty engines.

(2) There are two types of service accumulation applicable to heavy-duty engines:

(i) Service accumulation on engines, subsystems, or components selected by the manufacturer under § 86.092-24(c)(3)(i). The manufacturer determines the form and extent of this service accumulation, consistent with good engineering practice, and describes it in the application for certification.

(ii) Dynamometer service accumulation on emission-data engines selected under § 86.092-24 (b)(2) or (b)(3). The manufacturer determines the engine operating schedule to be used for dynamometer service accumulation, consistent with good engineering practice. A single engine operating schedule shall be used for all engines in an engine family-control system combination. Operating schedules may be different for different combinations.

(3) Exhaust emission deterioration factors will be determined on the basis of the service accumulation described in paragraph (b)(2)(i) of this section and related testing, according to the manufacturer's procedures.

(4) The manufacturer shall determine, for each engine family, the number of hours at which the engine system combination is stabilized (no less than 62 hours for catalyst equipped) for emission-data testing. The manufacturer shall maintain, and provide to the Administrator if requested a record of the rationale used in making this determination. The manufacturer may elect to accumulate 125 hours on each test engine within an engine family without making a determination. Any engine used to represent emission-data engine selections under § 86.092-24(b)(2) shall be equipped with an engine system combination that has accumulated at least the number of hours determined under this paragraph. Complete exhaust emission tests shall be conducted for each emission-data engine selection under § 86.092-24(b)(2). Evaporative emission controls need not be connected provided normal operating conditions are maintained in the engine induction system. The Administrator may determine under § 86.092-24(f) that no testing is required.

(d)(1) Paragraph (d) of this section applies to both light-duty trucks and heavy-duty engines.

(2)(i) The results of all emission testing shall be supplied to the Administrator. The manufacturer shall furnish to the Administrator explanation for voiding any test. The Administrator will determine if voiding the test was appropriate based upon the explanation

given by the manufacturer for the voided test. Tests between test points may be conducted as required by the Administrator. Data from all tests (including voided tests) may be submitted weekly to the Administrator, but shall be air posted or delivered to the Administrator within 7 days after completion of the test. In addition, all test data shall be compiled and provided to the Administrator in accordance with § 86.092-23. Where the Administrator conducts a test on a durability-data vehicle at a prescribed test point, the results of that test will be used in the calculation of the deterioration factor.

(ii) The results of all emission tests shall be recorded and reported to the Administrator. These test results shall be rounded, in accordance with ASTM E 29-67, to the number of decimal places contained in the applicable emission standard expressed to one additional significant figure.

(3) Whenever a manufacturer intends to operate and test a vehicle (or engine) which may be used for emission data, the manufacturer shall retain in its records all information concerning all emissions tests and maintenance, including vehicle (or engine) alterations to represent other vehicle (or engine) selections. This information shall be submitted, including the vehicle (or engine) description and specification information required by the Administrator, to the Administrator following the emission-data test.

(4)-(5) [Reserved]

(6) Emission testing of any type with respect to any certification vehicle or engine other than that specified in this subpart is not allowed except as such testing may be specifically authorized by the Administrator.

(Approved by the Office of Management and Budget under the control number 2060-0104)

7. A new § 86.092-35 is added to read as follows:

**§ 86.092-35 Labeling.**

(a) The manufacturer of any motor vehicle (or motor vehicle engine) subject to the applicable emission standards (and family emission limits, as appropriate) of this subpart, shall, at the time of manufacture, affix a permanent legible label, of the type and in the manner described below, containing the information hereinafter provided, to all production models of such vehicles (or engines) available for sale to the public and covered by a certificate of conformity under § 86.091-30(a).

(1) *Light-duty vehicles.* (i) A permanent, legible label shall be affixed, in a readily visible position in the engine compartment.

(ii) The label shall be affixed by the vehicle manufacturer who has been issued the certificate of conformity for such vehicle, in such manner that it cannot be removed without destroying or defacing the label. The label shall not be affixed to any equipment which is easily detached from such vehicle.

(iii) The label shall contain the following information lettered in the English language in block letters and numerals, which shall be of a color that contrasts with the background of the label:

(A) The label heading: Vehicle Emission Control Information;

(B) Full corporate name and trademark of manufacturer;

(C) Engine displacement (in cubic inches or liters), engine family identification and evaporative family identification;

(D) Engine tune-up specifications and adjustments, as recommended by the manufacturer in accordance with the applicable emission standards (or family emission limits, as applicable), including but not limited to idle speeds(s), ignition timing, the idle air-fuel mixture setting procedure and value (e.g., idle CO, idle air-fuel ratio, idle speed drop), high idle speed, initial injection timing and valve lash (as applicable), as well as other parameters deemed necessary by the manufacturer. These specifications should indicate the proper transmission position during tuneup and what accessories (e.g., air conditioner), if any, should be in operation;

(E) An unconditional statement of compliance with the appropriate model year U.S. Environmental Protection Agency regulations which apply to light-duty vehicles;

(F) For vehicles which are part of the diesel particulate averaging program, the family particulate emission limit to which the vehicle is certified;

(G) For vehicles that have been exempted from compliance with the emission standards at high altitude, as specified in § 86.090-8(h);

(1) A highlighted statement (e.g., underscored or boldface letters) that the vehicle is certified to applicable emission standards at low altitude only;

(2) A statement that the vehicle's unsatisfactory performance under high-altitude conditions makes it unsuitable for principal use at high altitude, and

(3) A statement that the emission performance warranty provisions of 40 CFR part 85, subpart V do not apply when the vehicle is tested at high altitude; and

(H) For vehicles that have been exempted from compliance with the

emission standards at low altitude, as specified in § 86.090-8(i):

(1) A highlighted statement (e.g., underscore or boldface letters) that the vehicle is certified to applicable emission standards at high altitude only; and

(2) A statement that the emission performance warranty provisions of 40 CFR part 85, subpart V do not apply when the vehicle is tested at low altitude.

(I) The vacuum hose routing diagram applicable to the vehicles if the vehicles are equipped with vacuum actuated emission and emission-related components. The manufacturer may, at its option, use a separate label for the vacuum hose routing diagram provided that the vacuum hose diagram is placed in a visible and accessible position as provided in this section.

(J) Vehicles granted final admission under § 85.1505 must comply with the labeling requirements contained in § 85.1510.

(2) *Light-duty truck and heavy-duty vehicles optionally certified in accordance with the light-duty truck provisions.* (i) A legible, permanent label shall be affixed in a readily visible position in the engine compartment.

(ii) The label shall be affixed by the vehicle manufacturer who has been issued the certificate of conformity for such vehicle, in such a manner that it cannot be removed without destroying or defacing the label. The label shall not be affixed to any equipment which is easily detached from such vehicle.

(iii) The label shall contain the following information lettered in the English language in block letters and numerals, which shall be of a color that contrasts with the background of the label.

(A) The label heading: Important Vehicle Information;

(B) Full corporate name and trademark of manufacturer;

(C) Engine displacement (in cubic inches or liters) and engine family identification;

(D) Engine tune-up specifications and adjustments, as recommended by the manufacturer in accordance with the applicable emission standards (or family emission limits, as appropriate), including but not limited to idle speed(s), ignition timing, the idle air-fuel mixture setting procedure and value (e.g., idle CO, idle air-fuel ratio, idle speed drop), high idle speed, initial injection timing, and valve lash (as applicable), as well as other parameters deemed necessary by the manufacturer. These specifications should indicate the proper transmission position during tune-up and what accessories (e.g., air

conditioner), if any, should be in operation. If adjustments or modifications to the vehicle are necessary to insure compliance with emission standards (or family emission limits, as appropriate) at either high or low altitude, the manufacturer shall either include the instructions for such adjustments on the label, or indicate on the label where instructions for such adjustments may be found. The label shall indicate whether the engine tune-up or adjustment specifications are applicable to high altitude, low altitude, or both;

(E) (1) *Light-duty trucks.* One of the prominent statements, as applicable:

(i) Labels for light-duty trucks certified to the oxides of nitrogen standard of 1.12 grams per vehicle mile shall include the following statement: "This vehicle conforms to U.S. EPA regulations applicable to 19\_\_\_ Model Year New Light-Duty Trucks."

(ii) Labels for light-duty trucks certified to the oxides of nitrogen standard of 1.7 grams per vehicle mile shall include the following statement: "This vehicle conforms to U.S. EPA regulations applicable to 19\_\_\_ Model Year New Light-Duty Trucks with a curb weight greater than 3,450 pounds."

(2) *Heavy-duty vehicles optionally certified in accordance with the light-duty truck provisions.* "This heavy-duty vehicle conforms to the U.S. EPA regulations applicable to 19\_\_\_ Model Year Light-Duty Trucks under the special provision of 40 CFR 86.092-1(b)."

(F) If the manufacturer is provided an alternate useful life period under the provisions of § 86.091-21(f), the prominent statement: "This vehicle has been certified to meet U.S. EPA standards for a useful-life period of \_\_\_ years or \_\_\_ miles of operation, whichever occurs first. This vehicle's actual life may vary depending on its service application." The manufacturer may alter this statement only to express the assigned alternate useful life in terms other than years or miles (e.g., hours, or miles only).

(G) A statement, if applicable, that the adjustments or modifications indicated on the label are necessary to ensure emission control compliance at the altitude specified.

(H) A statement, if applicable, that the high-altitude vehicle was designated or modified for principal use at high altitude. This statement must be affixed by the manufacturer at the time of assembly or by any dealer who performs the high-altitude modification or adjustment prior to sale to an ultimate purchaser.

(I) For vehicles that have been exempted from compliance with the

high-altitude emission standards, as specified in § 86.091-9(g)(2).

(1) A highlighted statement (e.g., underscored or boldface letters) that the vehicle is certified to applicable emission standards at low altitude only.

(2) A statement that the vehicle's unsatisfactory performance under high-altitude conditions makes it unsuitable for principal use at high altitude, and

(3) A statement that the emission performance warranty provisions of 40 CFR Part 85, Subpart V do not apply when the vehicle is tested at high altitude;

(J) For vehicles which are included in the diesel particulate averaging program, the family particulate emission limit to which the vehicle is certified.

(K) For vehicles which are included in the light-duty truck NO<sub>x</sub> averaging program, the family NO<sub>x</sub> emissions limit to which the vehicle is certified.

(L) The vacuum hose routing diagram applicable to the vehicles if the vehicles are equipped with vacuum actuated emission and emission-related components. The manufacturer may, at its option, use a separate label for the vacuum hose routing diagram provided that the vacuum hose diagram is placed in a visible and accessible position as provided by this section.

(M) Vehicles granted final admission under § 85.1505 must comply with the labeling requirements contained in § 85.1510.

(3) *Heavy-duty engines.* (i) A permanent legible label shall be affixed to the engine in a position in which it will be readily visible after installation in the vehicle.

(ii) The label shall be attached to an engine part necessary for normal engine operation and not normally requiring replacement during engine life.

(iii) The label shall contain the following information lettered in the English language in block letters and numerals which shall be of a color that contrasts with the background of the label:

(A) The label heading: Important Engine Information.

(B) Full corporate name and trademark of manufacturer;

(C) Engine displacement (in cubic inches or liters) and engine family and model designations;

(D) Date of engine manufacture (month and year). The manufacturer may, in lieu of including the date of manufacture on the engine label, maintain a record of the engine manufacture dates. The manufacturer shall provide the date of manufacture records to the Administrator upon request.

(E) Engine specifications and adjustments as recommended by the manufacturer. These specifications should indicate the proper transmission position during tune-up and what accessories (e.g., air conditioner), if any, should be in operation;

(F) For Otto-cycle engines the label should include the idle speed, ignition timing, and the idle air-fuel mixture setting procedure and value (e.g., idle CO, idle air-fuel ratio, idle speed drop), and valve lash;

(G) For diesel engines the label should include the advertised hp at rpm, fuel rate at advertised hp in mm<sup>3</sup>/stroke, valve lash, initial injection timing, and idle speed;

(H) The prominent statement: "This engine conforms to U.S. EPA regulations applicable to 19\_\_\_ Model Year New Heavy-Duty Engines."

(I) If the manufacturer is provided with an alternate useful life period under the provisions of § 86.901-21(f), the prominent statement: "This engine has been certified to meet U.S. EPA standards for a useful-life period of \_\_\_ miles or \_\_\_ hours of operation, whichever occurs first. This engine's actual life may vary depending on its service application." The manufacturer may alter this statement only to express the assigned alternate useful life in terms other than miles or hours (e.g., years, or hours only).

(J) For diesel engines. The prominent statement: "This engine has a primary intended service application as a \_\_\_ heavy-duty engine." (The primary intended service applications are light, medium, and heavy, as defined in § 86.902-2.)

(K) For Otto-cycle engines. One of the following statements, as applicable:

(1) For engines certified to the emission standards under § 86.091-10 (a)(1) (i) or (iii), the statement: "This engine is certified for use in all heavy-duty vehicles."

(2) For gasoline-fueled engines certified under the provisions of § 86.091-10(a)(3)(i), the statement: "This engine is certified for use in all heavy-duty vehicles under the special provision of 40 CFR § 86.091-10(a)(3)(i)."

(3) For engines certified to the emission standards under § 86.091-10 (a)(1) (ii) or (iv), the statement: "This engine is certified for use only in heavy-duty vehicles with a gross vehicle weight rating above 14,000 lbs."

(L) For diesel engines which are included in the diesel heavy-duty particulate averaging program, the family particulate emission limit to which the engine is certified.

(M) For any heavy-duty engines which are included in the heavy-duty NO<sub>x</sub>

averaging program, the family NO<sub>x</sub> emission limit to which the engine is certified.

(N) Engines granted final admission under § 85.1505 must comply with the labeling requirements contained in § 85.1510.

(iv) The label may be made up of one or more pieces: *Provided*, That all pieces are permanently attached to the same engine or vehicle part as applicable.

(4)(i) *Gasoline-fueled and methanol-fueled heavy-duty vehicles.* A permanent, legible label shall be affixed in a readily visible position in the engine compartment. If such vehicles do not have an engine compartment, the label required in paragraphs (a)(4) and (g)(1) of this section shall be affixed in a readily visible position on the operator's enclosure or on the engine.

(ii) The label shall be affixed by the vehicle manufacturer who has been issued the certificate of conformity for such vehicle, in such a manner that it cannot be removed without destroying or defacing the label. The label shall not be affixed to any equipment which is easily detached from such vehicle.

(iii) The label shall contain the following information lettered in the English language in block letters and numerals, which shall be of a color that contrasts with the background of the label:

(A) The label heading: Vehicle Emission Control Information;

(B) Full corporate name and trademark of manufacturer;

(C) Evaporative family identification;

(D) The maximum nominal fuel tank capacity (in gallons) for which the evaporative control system is certified; and,

(E) One of the following, as appropriate:

(1) An unconditional statement of compliance with the appropriate model year U.S. Environmental Protection Agency regulations which apply to gasoline-fueled heavy-duty vehicles.

(2) An unconditional statement of compliance with the appropriate model year U.S. Environmental Protection Agency regulations which apply to methanol-fueled heavy-duty vehicles.

(F) Vehicles granted final admission under § 85.1505 must comply with the labeling requirements contained in § 85.1510.

(b) The provisions of this section shall not prevent a manufacturer from also reciting on the label that such vehicle (or engine) conforms to any applicable state emission standards for new motor vehicles (or new motor vehicle engines) or any other information that such manufacturer deems necessary for, or useful to, the proper operation and

satisfactory maintenance of the vehicle (or engine).

(c)(1) The manufacturer of any light-duty vehicle or light-duty truck subject to the emission standards (or family emission limits, as appropriate) of this subpart shall, in addition and subsequent to setting forth those statements on the label required by the Department of Transportation (DOT) pursuant to 49 CFR 567.4, set forth on the DOT label or an additional label located in proximity to the DOT label and affixed as described in 40 CFR 567.4(b), the following information in the English language, lettered in block letters and numerals not less than three thirty-seconds of an inch high, of a color that contrasts with the background of the label:

(i) The heading: "Vehicle Emission Control Information."

(ii)(A) *For light-duty vehicles.* The statement: "This Vehicle Conforms to U.S. EPA Regulations Applicable to 19\_\_\_ Model Year New Motor Vehicles."

(B) *For light-duty trucks.* (1) The statement: "This vehicle conforms to U.S. EPA regulations applicable to 19\_\_\_ Model Year New Light-Duty Trucks."

(2) If the manufacturer is provided an alternate useful life period under the provisions of § 86.091-21(f), the prominent statement: "This vehicle has been certified to meet U.S. EPA standards for a useful-life period of \_\_\_ years or \_\_\_ miles of operation, whichever occurs first. This vehicle's actual life may vary depending on its service application." The manufacturer may alter this statement only to express the assigned alternate useful life in terms other than years or miles (e.g., hours, or miles only)

(iii) One of the following statements, as applicable, in letters and numerals not less than six thirty-seconds of an inch high and of a color that contrasts with the background of the label:

(A) For all vehicles certified as noncatalyst-equipped: "NON-CATALYST"

(B) For all vehicles certified as catalyst-equipped which are included in a manufacturer's catalyst control program for which approval has been given by the Administrator: "CATALYST—APPROVED FOR IMPORT"

(C) For all vehicles certified as catalyst-equipped which are not included in a manufacturer's catalyst control program for which prior approval has been given by the Administrator: "CATALYST"

(2) In lieu of selecting either of the labeling options of paragraph (c)(1) of this section, the manufacturer may add the information required by paragraph (c)(1)(iii) of this section to the label required by paragraph (a) of this section. The required information will be set forth in the manner prescribed by paragraph (c)(1)(iii) of this section.

(d) Incomplete light-duty trucks or incomplete heavy-duty vehicles optionally certified in accordance with the light-duty truck provisions shall have one of the following prominent statements, as applicable, printed on the label required by paragraph (a)(2) of this section in lieu of the statement required by paragraph (a)(2)(iii)(E) of this section.

(1) *Light-duty trucks.* (i) Labels for light-duty trucks certified to the oxides of nitrogen standard of 1.2 grams per vehicle mile shall include the following statement: "This vehicle conforms to U.S. EPA regulations applicable to 19\_\_\_ Model Year New Light-Duty Trucks when it does not exceed \_\_\_ pounds in curb weight, \_\_\_ pounds in gross vehicle weight rating, and \_\_\_ square feet in frontal area."

(ii) Labels for light-duty trucks certified to the oxides of nitrogen standards of 1.7 grams per vehicle mile shall include the following statement: "This vehicle conforms to U.S. EPA regulations applicable to 19\_\_\_ Model Year New Light-Duty Trucks when it is between 3,450 pounds and \_\_\_ pounds in curb weight and it does not exceed \_\_\_ pounds in gross vehicle weight rating nor \_\_\_ square feet in frontal area."

(2) *Heavy-duty vehicles optionally certified in accordance with the light-duty truck provisions.* "This heavy-duty vehicle conforms to the U.S. EPA regulations applicable to 19\_\_\_ Model Year Light-Duty Trucks under the special provision of 40 CFR 86.085-1(b) when it does not exceed \_\_\_ pounds in curb weight, \_\_\_ pounds in gross vehicle weight rating, and \_\_\_ square feet in frontal area."

(e) Incomplete heavy-duty vehicles having a gross vehicle weight rating of 8,500 pounds or less shall have one of the following statements printed on the label required by paragraph (a)(3) of this section in lieu of the statement required by paragraph (a)(3)(iii)(H) of this section: "This engine conforms to U.S. EPA regulations applicable to 19\_\_\_ Model Year Heavy-Duty Engines when installed in a vehicle completed at a curb weight of more than 6,000 pounds or with a frontal area of greater than 45 square feet."

(f) The manufacturer of any incomplete light-duty vehicle or light-duty truck shall notify the purchaser of

such vehicle of any curb weight, frontal area, or gross vehicle weight rating limitations affecting the emission certificate applicable to that vehicle. This notification shall be transmitted in a manner consistent with National Highway Traffic Safety Administration safety notification requirements published in 49 CFR part 568.

(g)(1)(i) Incomplete gasoline-fueled heavy-duty vehicles shall have the following prominent statement printed on the label required in paragraph (a)(4) of this section: "(Manufacturer's corporate name) has determined that this vehicle conforms to U.S. EPA regulations applicable to 19\_\_\_ Model Year New Gasoline-Fueled Heavy-Duty Vehicles when completed with a nominal fuel tank capacity not to exceed \_\_\_ gallons. Persons wishing to add fuel tank capacity beyond the above maximum must submit a written statement to the Administrator that the hydrocarbon storage system has been upgraded according to the requirements of 40 CFR 86.092-35(g)(2)."

(ii) Incomplete methanol-fueled heavy-duty vehicles shall have the following prominent statement printed on the label required in paragraph (a)(4) of this section: "(Manufacturer's corporate name) has determined that this vehicle conforms to U.S. EPA regulations applicable to 19\_\_\_ Model Year New Methanol-Fueled Heavy-Duty Vehicles when completed with a nominal fuel tank capacity not to exceed \_\_\_ gallons. Persons wishing to add fuel tank capacity beyond the above maximum must submit a written statement to the Administrator that the hydrocarbon storage system has been upgraded according to the requirements of 40 CFR 86.091-35(g)(2)."

(2) Persons wishing to add fuel tank capacity beyond the maximum specified on the label required in paragraph (g)(1) of this section shall:

(i) Increase the amount of fuel tank vapor storage material according to the following function:

$$\text{Cap}_f = \text{Cap}_i \left( \frac{\text{T. Vol.}}{\text{Max. Vol.}} \right)$$

Where:

Cap<sub>f</sub> = final amount of fuel tank vapor storage material, grams.

Cap<sub>i</sub> = initial amount of fuel tank vapor storage material, grams.

T. Vol. = total fuel tank volume of completed vehicle, gallons.

Max. Vol. = maximum fuel tank volume as specified on the label required in paragraph (g)(1) of this section, gallons.

(ii) Use, if applicable, hosing for fuel vapor routing which is at least as impermeable to hydrocarbon vapors as that used by the primary manufacturer.

(iii) Use vapor storage material with the same absorptive characteristics as that used by the primary manufacturer.

(iv) Connect, if applicable, any new hydrocarbon storage device to the existing hydrocarbon storage device in series such that the original hydrocarbon storage device is situated between the fuel tank and the new hydrocarbon storage device. The original hydrocarbon storage device shall be sealed such that vapors cannot reach the atmosphere. The elevation of the original hydrocarbon storage device shall be equal to or lower than the new hydrocarbon storage device.

(v) Submit a written statement to the Administrator that paragraphs (g)(2)(i) through (g)(2)(iv) of this section have been complied with.

(3) If applicable, the Administrator will send a return letter verifying the receipt of the written statement required in paragraph (g)(2)(v) of this section.

(h)(1) Light-duty trucks and heavy-duty vehicles and engines for which nonconformance penalties are to be paid in accordance with § 86.1113-87(b) shall have the following information printed on the label required in paragraph (a) of this section. The manufacturer shall begin labeling production engines or vehicles within 10 days after the completion of the PCA.

(i) The statement: "The manufacturer of this engine/vehicle will pay a nonconformance penalty to be allowed to introduce it into commerce at an emission level higher than the applicable emission standard. The compliance level (or new emission standard) for this engine/vehicle is \_\_\_." (The manufacturer shall insert the applicable pollutant and compliance level calculated in accordance with § 86.1112-87(a).)

(2) If a manufacturer introduces an engine or vehicle into commerce prior to the compliance level determination of § 86.1112-87(a), it shall provide the engine or vehicle owner with a label as described above to be affixed in a location in proximity to the label required in paragraph (a) of this section within 30 days of the completion of the PCA.

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